



रजिस्ट्रं नं० एस०एम० 13.



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 23]

शिमला, शनिवार, 4 अक्टूबर, 1975/12 आश्विन, 1897

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4 अक्टूबर, 1975/12 आश्विन, 1897 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. LLR-E (9) 7/75, dated the 26th September, 1975.	Law Department	Republication of the Income-tax (Amendment) Ordinance, 1975 (No. 8 of 1975) and the Election Laws (Extension to Sikkim) Ordinance, 1975 (No. 9 of 1975).
No. 8-29/71-Fin. (W&M), dated the 5th June, 1973.	Finance Department	Vesting the certain classes of agriculturists with the rights of alienation etc. for the purpose of obtaining financial assistance.
No. 4-2/71-CDP(PNT), dated the 1st October, 1975.	Panchayati Raj Department	Draft Amendments in the Himachal Pradesh Panchayat Samitis Rules, 1971.

## भाग 1 -- वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

### हिमाचल प्रदेश सरकार PERSONNEL DEPARTMENT NOTIFICATIONS

Simla-2, the 18th September, 1975

**No. 1-15/73-DP (APPTT.).**—The Governor, Himachal Pradesh is pleased to order that Shri A. K. Goswami, I.A.S., General Manager, Himachal Road Transport Corporation, Simla, shall also hold the charge of the post of Commissioner for Transport and Tourism, Himachal Pradesh, Simla in addition to his own duties during the period of leave of Shri P. C. Sharma, I.A.S.

Simla-2, the 18th September, 1975

**No. 1-3/75-DP (APPTT.).**—The Governor, Himachal Pradesh is pleased to order the following transfers and postings, with immediate effect in public interest:—

- (i) Shri Jiwa Nand Jiwan, H.A.S., Sub-Divisional Magistrate, Ani (Outer Seraj), District Kulu is transferred and posted as Sub-Divisional Magistrate, Keylong, District Lahaul and Spiti (vacant post); and
- (ii) on completion of training at the H.P. Institute of Public Administration, Fair-lawns, Mashobra, Shri D. K. Negi, H.A.S. is posted as Sub-Divisional Magistrate, Ani (Outer Seraj), District Kulu.

U. N. SHARMA,  
Chief Secretary.

Simla-2, the 18th September, 1975

**No. 10-2/73-DP-Apptt. (A-I).**—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri G. C. Singha, Tehsildar, Solan, District Solan, to be the Executive Magistrate with all the powers of an Executive Magistrate, under the said Code, to be exercised within the local limits of Tehsil Solan, District Solan, with immediate effect.

Simla-2, the 18th September, 1975

**No. 10-2/72-DP-Apptt. (A-I).**—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri M. L. Mehta, Tehsildar Kangra, District Kangra, to be the Executive Magistrate, with all the powers of an Executive Magistrate, under the said Code, to be exercised within the local limits of Tehsil Kangra, District Kangra, with immediate effect.

Simla-2, the 18th September, 1975

**No. 10-1/72-DP-Apptt (A-I).**—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal

Pradesh is pleased to appoint Shri Ishwar Chand, Tehsildar Sadar, Chamba to be the Executive Magistrate with all the powers of an Executive Magistrate, under the said Code, to be exercised within the local limits of Chamba tehsil of District Chamba, with immediate effect.

SUNEETA DHINGRA,  
Deputy Secretary.

### AGRICULTURE DEPARTMENT NOTIFICATIONS

Simla-171002, the 18th September, 1975

**No. 42-1/75-Agr. (Sectt.).**—Whereas it appears to the Governor, Himachal Pradesh that land is required to be taken by the Himachal Pradesh Government at public expense for a public purpose, namely for the expansion/providing better research facilities at the Plant Pathological Research Station (IARI), Flowerdale, Simla-2, it is hereby declared that the land/property described in the specification below is required for the above purpose.

2. This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Simla district is hereby directed to take order for the acquisition, of the said land.

3. A plan of the land may be inspected in the office of the Collector, Simla district.

#### SPECIFICATION

District: SIMLA

Tehsil: SIMLA

Village	Khasra No.	Area- Big. Bis.
KASUMPTI-KOTI	31	0 13
	Total	0 13

Simla-2, the 19th September, 1975

**No. 16-10/73-Agr. (Sectt.).**—In pursuance of rule 14 of the Himachal Pradesh Agricultural Class III (Executive Section) Service (Recruitment, Promotion, and certain Conditions of Service) Rules, 1973 (Part-II), the Governor, Himachal Pradesh is pleased to relax the educational qualifications prescribed for the recruitment to the posts of Tracers, in the Department of Agriculture as under, in respect of 10 posts only lying vacant on the date of issue of this order:—

“Matriculate withdrawing as an elective subject.”

The relaxation has been made as the persons having the requisite qualifications are not available.

J. M. VERMA,  
Under Secretary.

## भाग 2 -- वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

### INDUSTRIES DEPARTMENT DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 17th September, 1975

**No. DIO/SML/LOAN/1959-60.**—Whereas a notice was served on Shri Kahan Singh s/o Shri Salig Ram, Village

Gusi, Tehsil Theog, on 21-1-1965 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Kahan Singh to pay to me the sum of Rs. 1,283.33 paise on or before 15-2-1965 and whereas the said sum has not been paid, I hereby



declare that the said sum of Rs. 1,400.00 plus interest plus penal interest is due from the said Shri Kahan Singh and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

1. House 2 storeyed 8 rooms at village Ghatlu, Tehsil Theog and land measuring 49 bighas situated in village Ghatlu, Tehsil Theog, belonging to Shri Dalip Singh s/o Shri Bhadur Singh.

2. House 2 storeyed 6 rooms situated in village Gausi, Tehsil Theog and land measuring 39 bighas in Village Gausi, Theog, belonging to Shri Parmatma Singh.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 17th September, 1975

No. SML/LOAN/RIP/63-64.—Whereas a notice was served on Shri Jagat Ram s/o Jiwanoo Ram, Village Kaloh, P.O. Sainj, Tehsil Suni, District Simla, H. P. on 5-12-1968 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon said Shri Jagat Ram s/o Jiwanoo to pay to me the sum of Rs. 833.33 on or before 15-12-1968, and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 2,300 plus penal interest is due from the said Shri Jagat Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

1. Land comprised in Khata Khatauni No. 26/78, 1/2th share measuring 7 bighas and 2 biswas, situated in village Kaloh, Tehsil Suni belonging to Shri Jagat Rams/o Jiwanoo.

2. Land comprised in Khata Khatauni No. 26/78, 1/6th share measuring 14 bighas and 4 biswas situated in village Kaloh, Tehsil Suni, District Simla belonging to Shri Hari Ram s/o. Jiwanoo Ram and Shri Beg Ram s/o Jiwanoo Ram.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 17th September, 1975

No. SML/LOAN/RIP/65-66.—Whereas a notice was served on Shri Subir Dass Shyam s/o Late Shri Bhagat Ram, village Kadrawat, Tehsil Theog, District Simla, (H.P.) on December, 1968 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Subir Dass Shyam to pay to me the sum of Rs. 2,571, on or before 31-12-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 9,000 plus penal interest up-to-date is due from the said Shri Subir Dass Shyam and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Against two sureties:—

1. House three storeyed at village Kadrawat, Tehsil Theog, District Simla, land measuring 289 bighas, at village Kadrawat, Tehsil Theog, District Simla,

belonging to Shri Anant Ram Shyam s/o Late Shri Rona Ram, village Kadrawat, P.O. Kot (Matiana), Tehsil Theog.

2. House two storeyed at village Raog, Gram Panchayat Kot (Matiana), P.O. Suilaru, Tehsil Theog. Land measuring about 73 bighas in Pargana Raog, Tehsil Theog, belonging to Shri Het Ram s/o Shri late Adam Ram, village Raog.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 20th August, 1975

No. DIO/SML/LOAN/1961-62.—Whereas a notice was served on Shri Partap Singh s/o Shri Kewal Ram, r/o village Ghurla, Tehsil Chopal on 3-10-1967 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Partap Singh to pay to me the sum of Rs. 1,666.34 on or before 15-10-1967 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 1,666.34 plus interest plus penal interest is due from the said Shri Partap Singh and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Property of Shri Madho Ram Panta s/o Shri Kewal Ram Panta, r/o village Ghural, Tehsil Chopal.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 17th September, 1975

No. DIO/SML/LOAN/RIP/63-64.—Whereas a notice was served on Shri Liaq Ram s/o Shri Sadh Ram, village Bithu, P.O. Majhar, Tehsil Theog, District Simla (H. P.) on December, 1968 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon said Shri Liaq Ram to pay to me the sum of Rs. 1,500 on or before 31-12-1968 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 4,500 plus penal interest is due from the said Shri Liaq Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land comprised in Khewat No. 22/58, 1/2 share measuring 14 bighas and 11 biswas situated in village Jawo, Tehsil Theog, District Simla (H.P.), belonging to Shri Liaq Ram s/o Sadh Ram.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 17th September, 1975

No. DIO/SML/LOAN/RIP/63-64.—Whereas a notice served on Shri Jagat Ram s/o Shri Jiwanoo Village Kaloh, Tehsil Suni on 5-12-1968 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Jagat Ram to pay to me the sum of Rs. 833.33 on or before 15-12-1968 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 2,300

plus interest plus penal interest is due from the said Shri Jagat Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

- (1) Land comprised on Khata Khatauni No. 26/78, 1/12 th share measuring 7 bighas, 2 biswas, in village Kaloh, Tehsil Suni, belonging to Shri Jagat Ram s/o Shri Jiwanoo.
- (2) Land comprised in Khata Khatauni No. 26/78, 1/6th share measuring 14 bighas and 4 biswas situated in village Kaloh, Tehsil Suni, belonging to Shri Hari Ram s/o Jiwanoo Ram and Shri Beg Rams/o Jiwanoo.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT Simla, the 17th September, 1975

No. SML/LOAN/RIP/63-64.—Whereas a notice was served on Shri Chet Ram s/o Shri Thonklu, village Ghanchari, P.O. Dhami, Tehsil Simla (H.P.) on 5-12-1968 under section 23 of the H.P. State Aid to Industries Act, 1971 calling upon said Shri Chet Ram to pay to me the sum of Rs. 138.35 on or before 15-12-1968, and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 436 plus penal interest is due from the said Shri Chet Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land comprised of Khata Khatauni No. 17/27 one-half share measuring 5 bighas situated in village Ghanchari, Tehsil Simla belonging to Shri Chet Ram s/o Thonklu.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT Simla, the 17th September, 1975

No. SML/LOAN/RIP/63-64.—Whereas a notice was served on Shri Kewal Ram s/o Shri Nand Ram, village Kotdhar, P.O. Sandhu, Tehsil Theog, District Simla, (H.P.) on 5-12-1968 under section 23 of the H.P. State Aid to Industries Act, 1971, calling upon said Shri Kewal Ram to pay to me the sum of Rs. 2,666.66 on or before 15-12-1968, and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 8,000 plus penal interest up-to-date is due from the said Shri Kewal Ram s/o Nand Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land comprised in Khewat No. 8/29, measuring 77 bighas and 5 biswas situated in village Kotdhar, Tehsil Theog, District Simla (H.P.) belonging to Shri Kewal Ram s/o Nand Ram.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT Simla, the 18th September, 1975

No. SML/LOAN/RIP/63-64.—Whereas a notice was served on Shri Tawarsaya s/o Deeblu, village Kanori, P.O. Dhami, Tehsil Simla, (H.P.) on 5-12-1968 under

section 23 of the H.P. State Aid to Industries Act, 1971, calling upon said Shri Tawarsaya to pay to me the sum of Rs. 133.33 on or before 15-12-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 366.67 plus penal interest is due from the said Shri Tawarsaya and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land comprised the whole area of Khata Khatauni No. 36/36 and one-third share of Khata Khatauni No. 37/37 measuring in all 22 bighas situated in village Jangal Sthota, Tehsil Simla belonging to Shri Tawarsaya s/o Shri Deeblu.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT Simla, the 20th September, 1975

No. DIO/SML/LOAN/1956-57.—Whereas a notice was served on Shri Ramji Dass Panta s/o Shri Joban Dass r/o village Paronhi, Tehsil Jubbal on 3-1-1975 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Ramji Dass to pay to me the sum of Rs. 2,000 as interest on or before 18-1-1975 and whereas the said sum has not been paid; I hereby declare that the said sum of Rs. 2,000 as interest plus penal interest is due from the said Shri Ramji Dass and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land measuring 11 bighas in Chak Halkoti.  
House situated at Pragpur Orchard, Chak Bhagoli.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT Simla, the 20th September, 1975

No. DIO/SML-LOAN/RIP/1973-74.—Whereas a notice was served on Shri Surinder Singh Jhina s/o Shri Mohan Singh, r/o Mehta Building Engine Ghar Sanjauli, Simla-6, (H.P.) on 25-6-1975 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Surinder Singh Jhina to pay to me the sum of Rs. 20,000 plus Rs. 2,700 on or before 20-7-1975 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 20,000 plus interest plus penal interest is due from the said Shri Surinder Singh Jhina and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land measuring 41 bighas comprised in Khata/Khatauni Nos. 4/4, Khasra No. 233/15, 236/16, 19, 40, 48, 59, 83, 90, 103, 114, 127, 138, 166, 238/169, 202, 206, 207, 228 242/229, 244/230 (20 kotas) situated in village Chadiana, Tehsil Kotkhai belonging to Shri Shri Surinder Singh Jhina.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT Simla, the 20th September, 1975

No. DIO/SML/LOAN/1963-64.—Whereas a notice was served on Shri Ram Rattan Sharma s/o Shri Nar Singh

**Dutt, village Ghraina, P.O. and Sub-Tehsil Suni, District Simla, (H.P.)** on 2-1-1975 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Ram Rattan Sharma to pay to me the sum of Rs. 5,000 plus Rs. 3,000 on or before 15-1-1975 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 5,000 plus interest plus penal interest is due from the said Shri Ram Rattan Sharma and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Property of the following 2 sureties:—

1. Shri Hari Nand s/o Shri Kanhiya, village Vasialri, Sub-Tehsil Suni, District Simla.
2. Shri Yogeshwar Datt s/o Shri Lila Dutt, village Ghariana, Sub-Tehsil Suni, District Simla (H.P.).

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 20th September, 1975

**No. DIO/SML/LOAN/1963-64.**—Whereas a notice was served on Shri Atma Ram s/o Shri Mathu Ram, Village Ragain, P.O. Dharampur, Tehsil Theog, District Simla, (H.P.) on 10-6-1975 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon said Shri Atma Ram to pay to me the sum of Rs. 1,700 plus Rs. 1,200 on or before 25-6-1975 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 1,700 plus interest plus penal interest is due from the said Shri Atma Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

House 2 storeyed consisting of three rooms standing on the land comprised in Khasra No. 242 situated village Ragain belonging to Shri Atma Ram s/o Shri Mathu Ram.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 20th September, 1975

**No. DIO/SML/LOAN/1967-68.**—Whereas a notice was served on Shri Dalip Singh s/o Shri Kewal Ram, village Jhiknipull, Tehsil Chopal, District Simla on 7-8-1975 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Dalip Singh to pay to me the sum of Rs. 7,142.86 plus interest on or before 15-8-1975 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 7,142.86 plus interest plus penal interest is due from the said Shri Dalip Singh and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Property of the following two sureties:—

1. Shri Kewal Ram s/o Hariman, village Ghurla, Tehsil Chopal, District Simla (H.P.).
2. Shri Bhagat Ram s/o Shri Kewal Ram, village Jhiknipull, Tehsil Chopal.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 20th September, 1975

**No. DIO/SML/LOAN/1961-62.**—Whereas a notice was served on Shri Kanshi Ram s/o Shri Bali Ram, Village Tikri, Tehsil Theog, on 15-12-1964 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Kanshi Ram to pay to me the sum of Rs. 540.00 on or before 21-12-1964 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 1,900 plus interest plus penal interest is due from the said Shri Kanshi Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land comprised in Khewat No. 48, Khatauni No. 77 measuring 28 bighas situated in village Koti, Tehsil Theog.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 20th September, 1975

**No. DIO/SML/LOAN/1960-61.**—Whereas a notice was served on Shri Paras Ram s/o Shri Hari Ram, r/o village and P.O. Prehari, Tehsil Theog, District Simla on 2-12-1965 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Paras Ram to pay to me the sum of Rs. 1,333.33 on or before 15-12-1965 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 1,333.33 plus interest plus penal interest is due from the said Shri Paras Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land measuring 5 bighas in Khasra No. 120 of Khata Khatauni 6/10 situated in village Prehari, Tehsil Theog.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 20th September, 1975

**No. DIO/SML/LOAN/1957-58.**—Whereas a notice was served on Shri Tara Singh s/o Shri Rana Basishth Chandar, r/o Village Sadhora, Tehsil Kasumpti on 26-12-1974 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Tara Singh to pay to me the sum of Rs. 900.00 as interest on or before 10-1-1975 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 900.00 as interest plus penal interest is due from the said Shri Tara Singh and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Property of Kanwar Tara Singh Tanwar s/o Rana Basishth Chander, r/o village Sadhora, Tehsil Simla.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

## DECLARATION UNDER SECTION 24 OF THE ACT

*Simla, the 20th September, 1975*

**No. DIO/SML/LOAN/1961-62.**—Whereas a notice was served on Shri Mehar Chand Dalip Chand s/o Shri Bhagwana Ram Prop. M/s Vishwakarma Industries, Rampur Bushar on 3-10-1967 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Sarvshri Mehar Chand Dalip Chand to pay to me the sum of Rs. 1,282.33 on or before 15-10-1967 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 350.00 plus interest plus penal interest is due from the said Sarvshri Mehar Chand Dalip Chand and the property described in the attached schedule is liable for the satisfaction of the said debt.

## SCHEDULE

One Band Saw Machine 36".  
One Electric Motor 15 H.P. 940 RPM 3 phase.  
One Starter 20 SD.  
One switch 60 Amp.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

## DECLARATION UNDER SECTION 24 OF THE ACT

*Simla, the 20th September, 1975*

**No. DIO/SML/LOAN/1963-64.**—Whereas a notice was served on Shrimati Shilla Devi w/o Shri Shiv Dutt, village Gowas, P.O. Dharampur, Tehsil Theog, District Simla (H.P.) on 5-10-1965 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Smt. Shilla Devi to pay to me the sum of Rs. 2,000 plus Rs. 1,400 on or before 31-3-1965 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 2,000 plus Rs. 1,650 is due from the said Smt. Shilla Devi and the property described in the attached schedule is liable for the satisfaction of the said debt.

## SCHEDULE

House double storeyed consisting of 4 rooms standing on the land comprised in Khasra No. 122 at village Gowas, belonging to Shri Una Dutt s/o Shri Budhi Ram, r/o village Gowas, Tehsil Theog, District Simla (H.P.).

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

## DECLARATION UNDER SECTION 24 OF THE ACT

*Simla, the 20th September, 1975*

**No. DIO/SML/LOAN/1963-64.**—Whereas a notice was served on Shri Kirpa Ram s/o Shri Sehi Ram, village Bodhna, P.O. and Tehsil Chopal, District Simla (H.P.) on 2-1-1975 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Kirpa Ram to pay to me the sum of Rs. 400 plus interest on or before 15-1-1975 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 400 plus interest plus penal interest is due from the said Shri Kirpa Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

## SCHEDULE

Landed property of Shri Kirpa Ram s/o Shri Sehi Ram, village Bodhna, Tehsil Chopal, comprised in Khasra

Nos. 252 and 523, totally measuring 12-16 bighas at village Bodhna.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

## DECLARATION UNDER SECTION 24 OF THE ACT

*Simla, the 20th September, 1975*

**No. DIO/SML/LOAN/1963-64.**—Whereas a notice was served on Shri Tilak Raj Singh s/o Shri Amogh Chand, village Bantot (Deori), P.O. Khaneti, Sub-Tehsil Kotkhai, District Simla (H.P.) on 3-1-1975 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Tilak Raj Singh to pay to me the sum of Rs. 1,833.33 plus interest on or before 15-1-1975 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 1,833.33 plus interest plus penal interest is due from the said Shri Tilak Raj Singh and the property described in the attached schedule is liable for the satisfaction of the said debt.

## SCHEDULE

1/3rd share of the landed property comprised in Khasra Nos. 1167, 1168 and 1288 totally measuring 25 bighas 2 biswas (share of Shri Tilak Raj Singh s/o Shri Amogh Chand, village Bantot, measuring 8 bighas 2 biswas).

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

## DECLARATION UNDER SECTION 24 OF THE ACT

*Simla, the 20th September, 1975*

**No. DIO/SML/LOAN/1963-64.**—Whereas a notice was served on Shri Chet Ram s/o Shri Karam Singh, village Dudhibagh, P.O. Sarog, Tehsil Theog, District Simla (H.P.) on 7-11-1967 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Chet Ram to pay to me the sum of Rs. 1,400 plus interest on or before 25-11-1967 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 1,400 plus Rs. 1,200 as interest is due from the said Shri Chet Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

## SCHEDULE

House 2 storeyed consisting of 4 rooms standing on the land comprising Khasra No. 207/13, in Village Dudhibagh, Tehsil Theog, belonging to Shri Chet Ram s/o Shri Karam Singh, village Dudhibagh.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

## DECLARATION UNDER SECTION 24 OF THE ACT

*Simla, the 23rd September, 1975*

**No. DIO/SML/LOAN/1959-60.**—Whereas a notice was served on Sarvshri Gian Chand, Tilak Rajs s/o Shri Ambia Nand, r/o village Bawat, Sub-Tehsil Kumarsain on 22-12-1969 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Sarvshri Gian Chand Tilak Raj to pay to me the sum of Rs. 833.29 on or before 25-12-1969 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 333.29 plus interest plus penal interest is due



from the said Sarvshri Gian Chand Tilak Raj and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land comprised in Khata No. 11 measuring 8 bighas and 1/2 share in Khata No. 12 measuring 31 bighas 16 biswas in Village Ropa, Sub-Tehsil Kumarsain belonging to Sarvshri Gian Chand Tilak Raj.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 23rd September, 1975

No. DIO/SML/LOAN/1961-62.—Whereas a notice was served on Shri Ganesh Dutt s/o Shri Kishan Dutt, r/o village Kulat, Tehsil Theog on 9-10-1968 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Ganesh Dutt to pay to me the sum of Rs. 6,966.64 on or before 15-10-1968 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 6,966.64 plus interest plus penal interest is due from the said Shri Ganesh Dutt and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

House double storeyed consisting of 4 rooms standing on land comprised in Khasra No. 467 at village Nal (Madhan), Tehsil Theog, District Simla (H.P.).

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 23rd September, 1975

No. DIO/SML/LOAN/1961-62.—Whereas a notice was served on Shri Khampa Ram s/o Shri Sadhu Ram, village Cheog, P.O. Cheog, Tehsil Theog on 2-12-1968 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Khampa Ram to pay to me the sum of Rs. 1,500 on or before 30-11-1968 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 1,500 plus interest plus penal interest is due from the said Shri Khampa Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land measuring 6 bighas 9 biswas comprised in khasra No. 37/63 situated in village Cheog (Domehar), Tehsil Theog.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 23rd September, 1975

No. DIO/SML/LOAN/1961-62.—Whereas a notice was served on Shri Hiru Ram s/o Shri Totu Ram, r/o village Pharal, Sub-Tehsil Kumarsain on 3-10-1967 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Hiru Ram to pay to me the sum of Rs. 5,000 on or before 30-11-1968 and whereas

the said sum has not been paid, I hereby declare that the said sum of Rs. 5,000 plus interest plus penal interest is due from the said Shri Hiru Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Property of Shri Saihu s/o Shri Jalmoo, r/o village Bhanalag, Sub-Tehsil Kumarsain.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 23rd September, 1975

No. DIO/SML/LOAN/1961-62.—Whereas a notice was served on Shri Nigam Singh s/o Shri Janki Dass, r/o village Kaneta, Sub-Tehsil Kotkhai on 10-9-1964 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon said Shri Nigam Singh to pay to me the sum of Rs. 5,000 on or before 30-9-1964 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 4,167.33 plus interest plus penal interest is due from the said Shri Nigam Singh and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

(1)  $\frac{1}{2}$  portion of land comprised in Khewat No. 11 measuring 16 bighas and 7 biswas and (8 bighas 4 biswas in share of the Mortgagor) situated in Chak Kaneta, Sub-Tehsil Kotkhai.

(2)  $\frac{1}{2}$  portion of land comprised in Khewat No. 66 measuring 16 biswas (8 biswas in the share of Mortgagor) situated in Chak Chhatori, Sub-Tehsil Kolkhai,

(3)  $\frac{1}{2}$  portion of land comprised in Khewat No. 220/339 measuring 1-18 bighas (19 biswas in the share of Mortgagor) situated in Chak Kiari, Sub-Tehsil Kotkhai.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

#### DECLARATION UNDER SECTION 24 OF THE ACT

Simla, the 18th September, 1975

No. SML/LOAN/RIP/63-64.—Whereas a notice was served on Shri Krishan Dass s/o Shri Paras Ram, village Kalvi, P.O. Dhami, Tehsil Simla, District Simla on 5-12-1968 under section 23 of the H.P. State Aid to Industries Act, 1971 calling upon said Shri Krishan Dass to pay to me the sum of Rs. 1,000 on or before 15-12-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 2,116 plus penal interest is due from the said Shri Krishan Dass and the property described in the attached schedule is liable for the satisfaction of the said debt.

#### SCHEDULE

Land comprised of Khata Khatauni No. 6/7 one-fourth share, measuring 17 bighas and 7 biswas situated in village Bigari and the land comprised of Khata Khatauni No. 7/11, full share measuring 8 bighas and 10 biswas situated in village Jundla, Tehsil Simla, District Simla total area 35 bighas and 17 biswas, belonging to Shri Krishan Dass s/o Shri Paras Ram.

S. S. GHUMMAN,  
Project Executive Officer,  
Rural Industries Project, Simla.

**PUBLIC WORKS DEPARTMENT  
NOTIFICATION**

*Simla-3 the 15th September, 1975*

No. SE. IV. R. 8/75.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Ghana-Ki-Hatti Bazol road, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh P.W.D. is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh P.W.D., Simla-1.

**SPECIFICATION**

\*District: SIMLA

Tehsil: SIMLA

Village	Khasra No.	Area	
		Big.	Bis.
BADHECH	4/1	0	13
	1271/5/1	0	2
	1272/5/1	1	1
Total	3	1	16

M. L. BANSAL,  
Superintending Engineer,  
4th Circle, H.P.P.W.D., Simla-3.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशल कमिशनर तथा कमिशनर आफ इन्कम-टक्स द्वारा अधिसूचित आदेश इत्यादि

सूच्य

भाग 4—स्थानीय स्वायत्त शासन : म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

सूच्य

**भाग 5—वैयक्तिक अधिसचनाएं और विज्ञापन**

PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.  
In the Court of Shri Surendra Parkash, M.A., LL., B.,  
Judge Small Cause, Simla

CASE NO. 127/74

In case of Messrs. Asa Ram Romesh Lal Arhti, Anaj Mandi, Simla through Shri Lala Asa Ram Malak or Karkun Khandan ..Plaintiff.

*Versus*

Shri Kanshi Ram, Sita Ram, Raja Bakeri, Summer Hall, r/o Dhalmi, P.O. Dhandhol, District Bilaspur, (H.P.).  
To

Shri Kanshi Ram Sita Ram, Raja Bakeri, Summer Hall, resident of Dhalmi, P.O. Dhandhol, District Bilaspur (H.P.).

Whereas in the above noted case it has been proved to the satisfaction of the court that defendant mentioned as above is evading the service. Hence this proclamation is hereby issued against you to appear in this court on 22-10-1975 at 10 A.M. personally or through authorised agent or pleader. Failing which *ex-parte* proceeding will be taken against you.

Given under my hand and the seal of the court, this 17th day of September, 1975.

Seal.

SURENDRA PARKASH  
Judge Small Cause, Simla.

PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.

In the Court of Shri Surendra Prakash, M.A., LL., B.,  
Judge Small Cause, Simla.

CASE NO. 60/74

In case of Firm M/s Baij Nath Kapoor and Sons, 123, Lower Bazar, Simla through Shri Kewal Krishan Kapoor its registered Partner ..Plaintiff.

*Versus*

Shri Jaishi Ram, Electrical Contractor, Village and P.O. Tikkar via Kiari, Distt. Simla  
..Defendant  
To

Shri Jaishi Ram, Electrical Contractor, Village and P.O. Tikkar via Kiari, Distt. Simla.

Whereas in the above-noted case it has been proved to the satisfaction of the court that defendant mentioned as above is evading the service. Hence this proclamation is hereby issued against you to appear in this court on 31-10-75 at 10 A.M. personally or through authorised agent or pleader. Failing which *ex parte* proceeding will be taken against you.

Given under my hand and the seal of the court, this 25th day of September, 1975.

Seal.

SURENDRA PRAKASH,  
Judge Small Cause, Simla.



**PROCLAMATION UNDER ORDER 5, RULE 20, C. P. C.**

**In the Court of Miss Kiran Bansal, Rent Controller (2), Simla district at Simla, Himachal Pradesh**

CASE NO. 111/75 OF 1975

Shri Darshan Lal Aggarwal owner of Panchwati, Shivpuri, Simla  
... Applicant/petitioner.

*Versus*

1. Shri Shakti Datt Kaundal, S.D.O., P.W.D., Sub-Division (B&R) Churag, Tehsil Karsog, District Mandi  
... Respondent.
2. Shri Gopal Krishan Sharma, Advocate, Simla.  
... co-Respondent.

To

Shri Shakti Datt Kaundal, S.D.O., P.W.D., Sub-Division (B&R) Churag, Tehsil Karsog, District Mandi (Respondent No. 1).

Whereas in the above-noted case it has been proved to the entire satisfaction of this Court you the Respondent No. 1 above-named cannot be served in normal course of service, as the summons issued several times have come back unserved. Now this proclamation is issued against him that he should appear in this Court on 9-10-1975 positively, personally or through authorised agent or any pleader, failing which an *ex-parte* proceedings shall be taken against him.

Given under my hand and the seal of the Court, this 27th day of September, 1975.

Seal.

**MISS KIRAN BANSAL,**  
Sub-Judge 1st Class/Rent Controller (2),  
Simla.

इशतहार

अदालत साहिब सीनियर सब-जज, बहादुर, बिलासपुर, हि० प्र०  
नं० मुकदमा 2/2 बाबत सन् 1975.

श्रीमती बौहलू देवी बेबा सुर्जन सिंह सुपुत्र शिवसरन दास,  
राजपूत, निवासी काहली, परगना रतनपुर, तहसील सदर, जिला बिलासपुर, हि० प्र०।

बनाम

आम उलनाम

दरखास्त जेर दफा 372 ऐक्ट जानशीनी

जोकि श्रीमती बौहलू देवी बेबा सुर्जन सिंह ने दरखास्त हसूल सर्टिफिकेट जेर दफा 372 ऐक्ट जानशीनी बराये सर्टिफिकेट जानशीनी अदालत हजा में पेश की है जो तारीख 5-9-75 को मंजूर हो कर दरज रजिस्टर हुई, लिहाजा बनावर आगाही बरादरान न करावत बरान मृतवफकी इशतहार हजा जारी किया जाता है कि जिस शरूत को निस्वत दरखास्त मजकूर उजरदारी करनी हो वह किवल अज तारीख मोरखा 28-10-1975 हाजिर अदालत हजा हो कर अपना उजर पेश करे वरन् कोई उजर बाद इनकजाए 28-10-75 तारीख मजकुरा समाप्त न होगा।

अज बतारीख 10 माह 9 सन् 75 बसबत् हमारे दस्तखत और मोहर अदालत से जारी किया गया।

मोहर।

(हस्ताक्षरित)

सीनियर सब-जज,  
बिलासपुर, हि० प्र०।

**In the Court of Shri Roop Singh Thakur, Additional District Judge, Kangra at Dharamsala**

Ref. 225/73. Land Reference u/s 30 of the Land Acquisition Act.

Shri Chandu, etc. *Versus* Dharam Singh, etc.

1. Shri Tara Chand, 2. Munshi Ram, 3. Punjab Singh, r/o Padal, Tehsil Dehra, District Kangra.

In the above-noted reference the above-mentioned petitioners submitted their joint application before the Land Acquisition Officer, Talwara for having share holders/right-holders of compensation amount of land in Ref. No. 225 of 1973. In this behalf summons/notices to the above-named petitioners were issued several times but they are evading the service or have concealed themselves. Now it has been proved to the satisfaction of this Court that the above-named petitioners cannot be served through ordinary way, hence this proclamation is issued against them that they should appear before this Court on 22-10-1975 at 10 A.M. personally or through an authorised agent or pleader failing which *ex-parte* proceedings shall be taken against them.

Given under my hand and the seal of this Court, on 22nd day of September, 1975.

Seal.

**ROOP SINGH THAKUR.**

*Additional District Judge.*

**In the Court of Shri N. S. Shandil, District Judge, Simla H.P.**

CASE NO. SA.14-K/2 OF 1975

Shri Kartar Singh Negi son of the late Shri Prem Singh Negi, village Kamroo, Tehsil Sangla, District Kinnaur  
... Petitioner.

*Versus*

General public.

To

The General public.

The petitioner above-named has filed an application under section 372 of the Indian Succession Act. for the grant of Succession Certificate of the Estate of late Shri Prem Singh Negi, in this Court on 14-8-1975.

Whereas the above petition has been registered and has been fixed for hearing on 6-11-1975, notice is hereby given to the general public that if any well-wisher or kinsmen of the deceased has any objection to the issuance of the said certificate, he can file the same on 6-11-1975, failing which no objection shall be entertained.

Given under my hand and the seal of the Court, this 18th September, 1975.

**N. S. SHANDIL,**

*District Judge.*

Seal.

**STATE BANK OF PATIALA  
NOTIFICATION**

*The Mall, Patiala, the 1st July, 1975*

**SBOP. 40.**—The following transfers and changes in the posting of Bank's Supervising Staff are hereby notified:—

1. Shri B.N. Gupta, Officer Grade II officiated as Manager, Nalagarh branch from 12-6-75 A.N. to 16-6-75 F.N. vice Shri M. L. Zakhmi, Officer Grade I.
2. Shri S. S. Oberoi, Officer Grade II held charge of Gagret branch from 25-6-75 A.N. to 26-6-75 A.N.
3. Shri S. B., Mittal, Officer Grade II officiated as Manager Solan branch from 24-6-75 A.N. to 27-6-75 F.N. vice Shri Tarlochan Singh, Officer Grade I.

**S. D. GANDA,**  
*Managing Director.*

## भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

## LAW DEPARTMENT

## NOTIFICATION

Simla-2, the 6th September, 1975

No. LLR-E(9)7/75.—The following Acts recently passed by Parliament which have already been published in the Gazette of India, Extraordinary, Part II, Section 1, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Employees' State Insurance (Amendment) Act, 1975 (38 of 1975).
2. The Election Laws (Amendment) Act, 1975 (40 of 1975).
3. The Taxation Laws (Amendment) Act, 1975 (41 of 1975).
4. The Banking Service Commission Act, 1975 (42 of 1975).
5. The Delhi Sales Tax Act, 1975 (43 of 1975).
6. The Telegraph Wires (Unlawful Possession) Amendment Act, 1975 (44 of 1975).
7. The Agricultural Refinance Corporation (Amendment) Act, 1975 (45 of 1975).
8. The Provident Funds (Amendment) Act, 1975 (46 of 1975).
9. The Indian Coinage (Amendment) Act, 1975 (47 of 1975).

M. C. PADAM,

Under Secretary (Judicial).

Assented to on 1st August, 1975.

## THE EMPLOYEES' STATE INSURANCE (AMENDMENT) ACT, 1975

(ACT NO. 38 OF 1975)

AN

ACT

Further to amend the Employees' State Insurance Act, 1948, and to incorporate an explanatory provision connected therewith in section 405 of the Indian Penal Code.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Employees' State Insurance (Amendment) Act, 1975.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. *Amendment of section 2.*—In section 2 of the Employees' State Insurance Act, 1948 (34 of 1948) (hereinafter referred to as the principal Act), in sub-clause (b) of clause (9), for the words "five hundred rupees" in both the places where they occur, the words "one thousand rupees" shall be substituted.

3. *Amendment of section 17.*—In sub-section (1) of section 17 of the principal Act, for the words "with a maximum monthly salary of five hundred rupees and above" the words "the maximum monthly salary of which exceeds one thousand and two hundred rupees" shall be substituted.

4. *Amendment of section 85.*—In section 85 of the principal Act, for the words "he shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees; or with both.", the following shall be substituted, namely:—

"he shall be punishable—

(i) where he commits an offence under clause (a), with imprisonment for a term which may extend to six months but—

(a) which shall not be less than three months, in case of failure to pay the employees' contribution which has been deducted by him from the employees' wages;

(b) which shall not be less than one month, in any other case,

and shall also be liable to fine which may extend to two thousand rupees:

Provided that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term or of fine only in lieu of imprisonment;

(ii) where he commits an offence under any of the clauses (b) to (g) (both inclusive), with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

5. *Insertion of new sections 85A, 85B and 85C.*—After section 85 of the principal Act, the following sections shall be inserted, namely:—

"85A. *Enhanced punishment in certain cases after previous conviction.*—Whoever, having been convicted by a court of an offence punishable under this Act, commits the same offence shall, for every such subsequent offence, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both:

Provided that where such subsequent offence is for failure by the employer to pay any contribution which under this Act he is liable to pay, he shall, for every such subsequent offence, be punishable with imprisonment for a term which may extend to one year but which shall not be less than three months and shall also be liable to fine which may extend to four thousand rupees.

85B. *Power to recover damages.*—(1) Where an employer fails to pay the amount due in respect of any contribution or any other amount payable under this Act, the Corporation may recover from the employer such damages not exceeding the amount of arrears as it may think fit to impose:

Provided that before recovering such damages, the employer shall be given a reasonable opportunity of being heard.

(2) Any damages recoverable under sub-section (1) may be recovered as an arrear of land revenue.

85C. *Power of court to make orders.*—(1) Where an employer is convicted of an offence for failure to pay any contribution payable under this Act, the court may, in addition to awarding any punishment, by order, in writing, require him within a period specified in the order (which the court may if it thinks fit and on application in that behalf, from time to time, extend), to pay the amount of contribution in respect of which the offence was committed.

(2) Where an order is made under sub-section (1), the employer shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, if any, allowed by the court, but if, on the expiry of such period or extended period, as the case may be, the order of the court has not been fully complied with, the employer shall be deemed to have committed a further offence and shall be punishable with imprisonment in respect thereof under section 85 and shall also be liable to pay fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with."

6. *Insertion of new section 93A.*—After section 93 of the principal Act, the following section shall be inserted, namely:—

"93A. *Liability in case of transfer of establishment.*—where an employer, in relation to a factory or establishment, transfers that factory or establishment in whole or in part, by sale, gift, lease or licence or in any other manner whatsoever, the employer and the person to whom the factory or establishment is so transferred shall jointly and severally be liable to pay the amount due in respect of any contribution or any other amount payable under this Act in respect of the periods up to the date of such transfer:

Provided that the liability of the transferee shall be limited to the value of the assets obtained by him by such transfer."

7. *Amendment of section 95.*—In section 95 of the principal Act, in sub-section (4), for the words "or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

8. *Amendment of the First Schedule.*—In the First Schedule to the principal Act, in paragraph 3, for the Table, the following Table shall be substituted, namely:—

"TABLE

Group of employees whose average, daily wages are	Employ- ees' weekly contribution (re- coverable from em- ployees)	Employ- er's weekly contribution	Total weekly contri- bution (emp- loyee's and em- ployer's contri- bution)	Corres- pond- ing daily standard benefit rate
1	2	3	4	5
1. Below Rs. 2	Paise Nil	Paise 75	Paise 75	Paise 100
2. Rs. 2 and above but below Rs. 3	40	80	120	130
3. Rs. 3 and above but below Rs. 4	50	100	150	175
4. Rs. 4 and above but below Rs. 6	70	140	210	250
5. Rs. 6 and above but below Rs. 8	95	190	285	350
6. Rs. 8 and above but below Rs. 12	125	250	375	500

	1	2	3	4	5
7. Rs. 12 and above but below Rs. 16	175	350	525	700	
8. Rs. 16 and above but below Rs. 24	275	550	825	1000	
9. Rs. 24 and above	375	750	1125	1500	

9. *Amendment of Act 45 of 1860.*—In section 405 of the Indian Penal Code, the Explanation shall be numbered as explanation 1 thereof and after the Explanation as so numbered, the following Explanation shall be inserted, namely:—

"Explanation 2.—A person, being an employer, who deducts the employees' contribution from the wages payable to the employee for credit to the Employees' State Insurance Fund held and administered by the Employees' State Insurance Corporation established under the Employees' State Insurance Act, 1948 (34 of 1948), shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said Act, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid."

Assented to on 6th August, 1975.

# THE ELECTION LAWS (AMENDMENT) ACT, 1975 (ACT No. 40 OF 1975)

AN  
ACT

further to amend the Representation of the People Act, 1951 and the Indian Penal Code.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Election Laws (Amendment) Act, 1975.

2. *Substitution of new section for section 8A.*—In the Representation of the People Act, 1951 (43 of 1951) (hereinafter referred to as the principal Act), for section 8A, the following section shall be substituted, namely:—

"8A. *Disqualification on ground of corrupt practices.*—(1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted, as soon as may be, after such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975, may, if the period of such disqualification has not expired, submit a petition to the President for the removal of such disqualification for the unexpired portion of the said period.

(3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the

opinion of the Election Commission on such question or petition and shall act according to such opinion”.

3. *Amendment of section 11.*—In section 11 of the principal Act, after the words “under this Chapter”, the brackets, words, figure and letter “(except under section 8A)” shall be inserted.

4. *Amendment of section 11A.*—Section 11A of the principal Act shall be re-numbered as sub-section (1) thereof and—

(a) in the sub-section as so re-numbered, clause (b) shall be omitted; and

(b) after the sub-section as so re-numbered, the following sub-sections shall be inserted, namely:—

“(2) Any person disqualified by a decision of the President under sub-section (1) of section 8A for any period shall be disqualified for the same period for voting at any election.

(3) The decision of the President on a petition submitted by any person under sub-section (2) of section 8A in respect of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State shall, so far as may be, apply in respect of the disqualification for voting at any election incurred by him under clause (b) of sub-section (1) of section 11A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975, as if such decision were a decision in respect of the said disqualification for voting also.”.

5. *Amendment of section 11B.*—In section 11B of the principal Act, for the words “any disqualification under this Chapter”, the words, brackets, figures and letters “any disqualification under sub-section (1) of section 11A” shall be substituted.

6. *Amendment of section 77.*—In section 77 of the principal Act, in sub-section (1),—

(a) for the words “the date of publication of the notification calling the election”, the words “the date on which he has been nominated” shall be substituted;

(b) after Explanation 2, the following Explanation shall be inserted, namely:—

“Explanation 3.—For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.”.

7. *Amendment of section 79.*—In section 79 of the principal Act, for clause (b), the following clause shall be substituted, namely:—

“(b) “candidate” means a person who has been or claims to have been duly nominated as a candidate at any election;”.

8. *Amendment of section 123.*—In section 123 of the principal Act.—

(a) in clause (3), the following proviso shall be inserted at the end, namely:—

“Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.”;

(b) in clause (7), the following proviso shall be inserted at the end, namely:—

“Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent any other person acting with the consent of the candidate or his election agent, (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate’s election.”;

(c) in the Explanation at the end the following shall be added, namely:—

“(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.”.

9. *Amendment of section 171A of Act 45 of 1860.*—In the Indian Penal Code, in section 171A, for clause (a) the following clause shall be substituted, namely:—

“(a) “candidate” means a person who has been nominated as a candidate at any election;”.

10. *Amendments to have retrospective effect.*—The amendments made by sections 6, 7 and 8 of this Act in the principal Act shall also have retrospective operation so as to apply to and in relation to any election held before the commencement of this Act to either House of Parliament or to either House or the House of the Legislature of a State—

(i) in respect of which any election petition may be presented after the commencement of this Act; or

(ii) in respect of which any election petition is pending in any High Court immediately before such commencement; or



(iii) in respect of which any election petition has been decided by any High Court before such commencement but no appeal has been preferred to the Supreme Court against the decision of the High Court before such commencement and the period of limitation for filing such appeal has not expired before such commencement; or

(iv) in respect of which appeal from any order of any High Court made in any election petition under section 98 or section 99 of the principal Act is pending before the Supreme Court immediately before such commencement.

Assented to on 7th August, 1975.

# THE TAXATION LAWS (AMENDMENT) ACT, 1975 (ACT No. 41 OF 1975)

## AN ACT

furth<sup>r</sup> to amend the Income-tax Act, 1961, the Wealth-Tax Act, 1957, the Gift-Tax Act, 1958 and the Companies (Profits) Surtax Act, 1964,

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

## CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Taxation Laws (Amendment) Act, 1975.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act; and any reference to “the commencement of the Taxation Laws (Amendment) Act, 1975” in any amendment made by any provision of this Act shall be construed as a reference to the coming into force of that provision.

## CHAPTER II

### AMENDMENTS TO THE INCOME-TAX ACT, 1971

2. *Amendment of section 2.*—In section 2 of the Income-tax Act, 1961 (43 of 1961) (hereafter in this Chapter referred to as the Income-tax Act), after clause (15), the following clause shall be inserted, namely:—

“(15A) “child”, in relation to an individual, includes a step-child and an adopted child of that individual;”.

3. *Amendment of section 10.*—In section 10 of the Income-tax Act,—

(i) in clause (6), after sub-clause (vi), the following sub-clause shall be inserted, namely:—

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“(via) the remuneration received by him as an employee of, or a consultant to, an institution or association or a body established or formed outside India solely for philanthropic purposes, for services rendered by him in India in connection with such purposes; provided that such institution or association or body and the purposes for which his services are rendered in India are approved by the Central Government;”;

(ii) after clause (23B), the following clause shall be inserted, namely:—

“(23C) any income received by any person on behalf of—

(i) the Prime Minister's National Relief Fund; or  
(ii) the Prime Minister's Fund (Promotion of Folk Art); or

(iii) the Prime Minister's Aid to Students Fund; or

(iv) any other fund or institution established for charitable purposes, which may be notified by the Central Government in the Official Gazette, having regard to the objects of the fund or institution and its importance throughout India or throughout any State or States; or

(v) any trust (including any other legal obligation) or institution, being a trust or institution wholly for public religious purposes or wholly for public religious and charitable purposes, which may be notified by the Central Government in the Official Gazette, having regard to the manner in which the affairs of the trust or institution are administered and supervised for ensuring that the income accruing thereto is properly applied for the purposes thereof:

Provided that any notification issued by the Central Government under sub-clause (iv) or sub-clause (v) shall have effect for such assessment year or years (including an assessment year or years commencing before the date on which such notification is issued) as may be specified in the notification;”.

4. *Amendment of section 11.*—In section 11 of the Income-tax Act,—

(i) in sub-section (1),—

(a) for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) income derived from property held under trust wholly for charitable or religious purposes, to the extent to which such income is applied to such purposes in India; and, where any such income is accumulated or set apart for application to such purposes in India, to the extent to which the income so accumulated or set apart is not in excess of twenty-five per cent of the income from such property;

(b) income derived from property held under trust in part only for such purposes, the trust having been created before the commencement of this Act, to the extent to which such income is applied to such purposes in India; and, where any such income is finally set apart for application to such purposes in India, to the extent to which the income so set apart is not in excess of twenty-five per cent of the income from such property;”;

(b) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

“*Explanation*.—For the purposes of clauses (a) and (b),—

(1) in computing the twenty-five per cent of the income which may be accumulated or set apart, any such voluntary contributions as are referred to in section 12 shall be deemed to be part of the income;

(2) if, in the previous year, the income applied to charitable or religious purposes in India falls short of seventy-five per cent of the income

derived during that year from property held under trust, or, as the case may be, held under trust in part, by any amount—

(i) for the reason that the whole or any part of the income has not been received during that year; or

(ii) for any other reason,  
then,—

(a) in the case referred to in sub-clause (i), so much of the income applied to such purposes in India during the previous year in which the income is received, or during the previous year immediately following as does not exceed the said amount; and

(b) in the case referred to in sub-clause (ii), so much of the income applied to such purposes in India during the previous year immediately following the previous year in which the income was derived as does not exceed the said amount,

may, at the option of the person in receipt of the income [such option to be exercised in writing before the expiry of the time allowed under sub-section (1) or sub-section (2) of section 139, whether fixed originally or on extension for furnishing the return of income] be deemed to be income applied to such purposes during the previous year in which the income was derived; and the income so deemed to have been applied shall not be taken into account in calculating the amount of income applied to such purposes, in the case referred to in sub-clause

(i) during the previous year in which the income is received or during the previous year immediately following, as the case may be, and, in the case referred to in sub-clause (ii) during the previous year immediately following the previous year in which the income was derived.”;

(ii) after sub-section (1A), the following sub-section, shall be inserted, namely:—

“(1B) Where any income in respect of which an option is exercised under clause (2) of the Explanation to sub-section (1) is not applied to charitable or religious purposes in India during the period referred to in sub-clause (a) or, as the case may be, sub-clause (b), of the said clause, then, such income shall be deemed to be the income of the person in receipt thereof—

(a) in the case referred to in sub-clause (i) of the said clause, of the previous year immediately following the previous year in which the income was received, or

(b) in the case referred to in sub-clause (ii) of the said clause, of the previous year immediately following the previous year in which the income was derived.”;

(iii) in sub-section (2), for the portion beginning with the words, brackets, letters and figure “Where any income referred to in clause (a) or clause (b) of sub-section (1)” and ending with the words “the following conditions are complied with, namely:—”, the following shall be substituted, namely:—

“Where seventy-five per cent of the income referred to in clause (a) or clause (b) of sub-section (1) read with the Explanation to that sub-section is not applied, or is not deemed to have been applied, to charitable or religious purposes in India during the previous year

but is accumulated or set apart, either in whole or in part, for application to such purposes in India, such income so accumulated or set apart shall not be included in the total income of the previous year of the person in receipt of the income, provided the following conditions are complied with namely:—”;

(iv) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Notwithstanding anything contained in sub-section (3), where due to circumstances beyond the control of the person in receipt of the income, any income invested or deposited in accordance with the provisions of clause (b) of sub-section (2) cannot be applied for the purpose for which it was accumulated or set apart, the Income-tax Officer may, on an application made to him in this behalf, allow such person to apply such income for such other charitable or religious purpose in India as is specified in the application by such person and as is in conformity with the objects of the trust; and thereupon the provisions of sub-section (3) shall apply as if the purpose specified by such person in the application under this sub-section were a purpose specified in the notice given to the Income-tax Officer under clause (a) of sub-section (2).”.

5. Amendment of section 13.—In section 13 of the Income-tax Act,—

(i) in sub-section (1),—

(a) after clause (b), the following clause shall be inserted, namely:—

“(bb) in the case of a charitable trust or institution for the relief of the poor, education or medical relief, which carries on any business, any income derived from such business, unless the business is carried on in the course of the actual carrying out of a primary purpose of the trust or institution;”;

(b) after clause (c) and the provisos thereto, the following clause shall be inserted, namely:—

“(d) subject to the provisions of clause (bb), in the case of trust for charitable or religious purposes or a charitable or religious institution, any income thereof assessable for any assessment year commencing on or after the 1st day of April, 1979, if any funds of the trust or institution are invested or deposited or continue to remain invested or deposited for any period during any previous year commencing on or after the 1st day of April, 1978, otherwise than in any of the forms or modes specified in sub-section (5).”;

(ii) in sub-section (3), for clause (b), the following clause shall be substituted, namely:—

“(b) any person who has made a substantial contribution to the trust or institution, that is to say, any person whose total contribution up to the end of the relevant previous year exceeds five thousand rupees;”;

(iii) after sub-section (4) and before Explanation 1, the following sub-sections shall be inserted, namely:—

(5) The forms and modes of investing or depositing



funds referred to in clause (d) of sub-section (1) shall be—

- (a) subject to the provisions of clause (b), in a case where such funds represent the original corpus of the trust or institution or any contributions made to the trust or institution with a specific direction that they shall form part of the corpus of the trust or institution,—
- (i) investment in savings certificates as defined in clause (c) of section 2 of the Government Savings Certificates Act, 1959 (46 of 1959), and any other securities or certificates issued by the Central Government under the small savings schemes of that Government;
- (ii) deposit in any account with the Post Office Savings Bank;
- (iii) deposit in any account with any nationalised bank, that is to say, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);
- (iv) investment in units in the Unit Trust of India established under the Unit Trust of India Act, 1963 (52 of 1963);
- (v) investment in any security for money created and issued by the Central Government or a State Government;
- (vi) investment in debentures issued, by, or on behalf of, any company or corporation both the principal whereof and the interest whereon are fully and unconditionally guaranteed by the Central Government or by a State Government;
- (vii) investment or deposit in any Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956);
- (b) in a case where such funds represent—
  - (i) the corpus of the trust or institution immediately before the 1st day of June, 1973; or
  - (ii) the original corpus (being assets other than cash) of any trust or institution created or established on or after the 1st day of June, 1973; or
  - (iii) any contributions (otherwise than in cash) made to any trust or institution on or after the 1st day of June, 1973, with a specific direction that they shall form part of the corpus of the trust or institution,

any form or mode, other than investment in shares (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) in a company (not being a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956) or a corporation established by or under a Central, State or Provincial Act);

(c) in any other case, the forms or modes referred to in sub-clause (i), sub-clause (ii), sub-clause (iii) and sub-clause (iv) of clause (a).

(6) Nothing contained in clause (d) of sub-section (1) shall apply in relation to any monies accumulated or finally set apart and invested or deposited in the manner referred to in clause (b) of sub-section (2) of section 11.

6. Amendment of section 23.—In section 23 of the Income-tax Act,—

(i) in sub-section (1),—

(a) for the opening paragraph, the following shall be

substituted, namely:—

“(1) For the purposes of section 22, the annual value of any property shall be deemed to be—

- (a) the sum for which the property might reasonably be expected to let from year to year; or
- (b) where the property is let and the annual rent received or receivable by the owner in respect thereof is in excess of the sum referred to in clause (a), the amount so received or receivable.”;

(b) the following Explanation shall be inserted at the end, namely:—

“Explanation.—For the purposes of this sub-section, “annual rent” means—

- (a) in a case where the property is let throughout the previous year, the actual rent received or receivable by the owner in respect of such year; and
- (b) in any other case, the amount which bears the same proportion to the amount of the actual rent received or receivable by the owner for the period for which the property is let, as the period of twelve months bears to such period.”;

(ii) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Where the property consists of—

- (i) a house in the occupation of the owner for the purposes of his own residence, the annual value of such house shall first be determined in the same manner as if the property had been let and further be reduced by one-half of the amount so determined or one thousand and eight hundred rupees, whichever is less;
- (ii) more than one house in the occupation of the owner for the purposes of his own residence, the provisions of clause (i) shall apply only in respect of one of such houses, which the assessee may, at his option, specify in this behalf:

Provided that for the purposes of clauses (i) and (ii), where the sum so arrived at exceeds ten per cent of the total income of the owner (the total income for this purpose being computed without including therein any income from such property and before making any deduction under Chapter VIA), the excess shall be disregarded.

Explanation.—Where any such residential unit as is referred to in the second proviso to sub-section (1) is in the occupation of the owner for the purposes of his own residence, nothing contained in that proviso shall apply in computing the annual value of that residential unit.

(2A) For the removal of doubt, it is hereby declared that, where the property consists of more than one house and such houses are in the occupation of the owner for the purposes of his own residence, the annual value of the houses, other than that the annual value of which is required to be determined under clause (ii) of sub-section (2), shall be determined under sub-section (1) as if such houses had been let.”.

7. Amendment of section 26.—In section 26 of the Income-tax Act, the following Explanation shall be inserted at the end, namely:—

“Explanation.—For the purposes of this section, in applying the provisions of sub-section (2) of section 23 for computing the share of each such person as is referred to in this section, such share

shall be computed, as if each such person is individually entitled to the relief provided in that sub-section.”

8. *Amendment of section 32.*—In sub-section (1) of section 32 of the Income-tax Act, for clause (i), the following clause shall be substituted, namely:—

“(i) in the case of ships other than ships ordinarily plying on inland waters, such percentage on the actual cost thereof to the assessee as may be in any case or class of cases or in respect of any period or periods, be prescribed:

Provided that different percentages may be prescribed for different periods having regard to the date of acquisition of the ship:”

9. *Amendment of section 35C.*—In sub-section (1) of section 35C of the Income-tax Act,—

(i) in clause (a), after the words “Where any company”, the words “or a co-operative society” shall be inserted;

(ii) for the words “the company”, wherever they occur, the words “the company or co-operative society” shall be substituted.

10. *Amendment of section 37.*—In sub-section (1) of section 37 of the Income-tax Act, after the words and figures “sections 30 to 36”, the words, figures and letters “and section 80VV” shall be inserted.

11. *Insertion of new section 44AA.*—In Chapter IV of the Income-tax Act, under the heading “D.—Profits and gains of business or profession”, after section 44A, the following section shall be inserted, namely:—

“44AA. *Maintenance of accounts by certain persons carrying on profession or business.*—(1) Every person carrying on legal, medical engineering or architectural profession or the profession of accountancy or technical consultancy or interior decoration or any other profession as is notified by the Board in the Official Gazette shall keep and maintain such books of account and other documents as may enable the Income-tax Officer to compute his total income in accordance with the provisions of this Act.

(2) Every person carrying on business or profession [not being a profession referred to in sub-section (1)] shall,—

(i) if his income from business or profession exceeds twenty-five thousand rupees, or his total sales, turnover or gross receipts, as the case may be, in business or profession exceed or exceeds two hundred and fifty thousand rupees in any one of the three years immediately preceding the previous year; or

(ii) where the business or profession is newly set up in any previous year, if his income from business or profession is likely to exceed twenty-five thousand rupees or his total sales, turnover or gross receipts, as the case may be, in business or profession are or is likely to exceed two hundred and fifty thousand rupees, during such previous year,

keep and maintain such books of account and other documents as may enable the Income-tax Officer to compute his total income in accordance with the provisions of this Act.

(3) The Board may, having regard to the nature of the business or profession carried on by any class of persons, prescribe, by rules, the books of account and other documents (including inventories, wherever necessary) to be kept and maintained under sub-section (1) or sub-section (2), the particulars to be contained therein and the form and the manner in which and the place at which they shall be kept and maintained.

(4) Without prejudice to the provisions of sub-section (3), the Board may prescribe, by rules, the period for which the books of account and other documents to be kept and maintained under sub-section (1) or sub-section (2) shall be retained.”

12. *Amendment of section 49.*—In sub-section (1) of section 49 of the Income-tax Act,—

(a) after clause (iii), the following clause shall be inserted, namely:—

“(iv) such assessee being a Hindu undivided family, by the mode referred to in sub-section (2) of section 64 at any time after the 31st day of December, 1969;”

(b) in the *Explanation*, for the words, brackets and figures “clause (ii) or clause (iii)”, the words, brackets and figures “clause (i) or clause (iii) or clause (iv)” shall be substituted.

13. *Amendment of section 64.*—In section 64 of the Income-tax Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) In computing the total income of any individual, there shall be included all such income as arises directly or indirectly—

(i) to the spouse of such individual from the membership of the spouse in a firm carrying on a business in which such individual is a partner;

(ii) to the spouse of such individual by way of salary, commission, fees or any other form of remuneration whether in cash or in kind from a concern in which such individual has a substantial interest;

Provided that nothing in this clause shall apply in relation to any income arising to the spouse where the spouse possesses technical or professional qualifications and the income is solely attributable to the application of his or her technical or professional knowledge and experience;

(iii) to a minor child of such individual from the admission of the minor to the benefits of partnership in a firm;

(iv) subject to the provisions of clause (i) of section 27, in a case not falling under clause (i) of this sub-section, to the spouse of such individual from assets transferred directly or indirectly to the spouse by such individual otherwise than for adequate consideration or in connection with an agreement to live apart;

(v) subject to the provisions of clause (i) of section 27, in a case not falling under sub-clause (iii) of this sub-section, to a minor child (not being married daughter)

of such individual, from assets transferred directly or indirectly to the minor child by such individual otherwise than for adequate consideration;

(vi) to the son's wife, or son's minor child, of such individual, from assets transferred directly or indirectly on or after the 1st day of June, 1973, to the son's wife or son's minor child by such individual otherwise than for adequate consideration; and

(vii) to any person or association of persons from assets transferred directly or indirectly otherwise than for adequate consideration to the person or association of persons by such individual, to the extent to which the income from such assets is for the immediate or deferred benefit of his or her spouse or minor child (not being a married daughter) or both,

**Explanation 1.**—For the purposes of clause (i), the individual, in computing whose total income the income referred to in that clause is to be included, shall be the husband or wife whose total income (excluding the income referred to in that clause) is greater; and for the purposes of clause (iii) the income of the minor child from the partnership shall be included in the income of that parent whose total income (excluding the income referred to in that clause) is greater; and where any such income is once included in the total income of either spouse or parent, any such income arising in any succeeding year shall not be included in the total income of the other spouse or parent unless the Income-tax Officer is satisfied, after giving that spouse or parent an opportunity of being heard, that it is necessary so to do.

**Explanation 2.**—For the purposes of clause (ii), an individual shall be deemed to have a substantial interest in a concern—

(i) in a case where the concern is a company, if the shares (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) carrying not less than twenty per cent of the voting power are, at any time during the previous year, owned beneficially by such person or partly by such person and partly by one or more of his relatives;

(ii) in any other case, if such person is entitled, or such person and one or more of his relatives are entitled in the aggregate, at any time during the previous year, to not less than twenty per cent of the profits of such concern.

**Explanation 3.**—For the purposes of clause (iv) and (v) where the assets transferred directly or indirectly by an individual to his spouse or minor child are invested by the spouse or minor child in any business, that part of the income arising out of the business to the spouse or minor child in any previous year, which bears the same proportion to the income of the spouse or minor child from the business as the value of the assets aforesaid as on the first day of the previous years bears to the total investment in the business by the spouse or the minor child as on the said day, shall be included in the total income of the individual in that previous year.”

(b) in sub-section (2),—

(i) in clause (b), the words “, in so far as it is attributable to the interest of the individual in the property of the family,” shall be omitted;

(ii) for clause (c), the following clause shall be substituted, namely:—

“(c) where the converted property has been the subject-matter of a partition (whether partial or total) amongst the members of the family, the income derived from such converted property as is received by the spouse or minor child on partition shall be deemed to arise to the spouse or minor child from assets transferred indirectly by the individual to the spouse or minor child and the provisions of sub-section (1) shall, so far as may be, apply accordingly.”

(iii) in the proviso, for the words “minor son”, the words “minor child” shall be substituted;

(iv) in the *Explanation*,—

(A) the brackets and figure “(1)” shall be omitted;

(B) clause (2) shall be omitted.

**14. Insertion of new sections 69C and 69D.**—In Chapter VI of the Income-tax Act, under the heading “Aggregation of income”, after section 69B, the following sections shall be inserted, namely:—

“69C. *Unexplained expenditure, etc.*—Where in any financial year an assessee has incurred any expenditure and he offers no explanation about the source of such expenditure or part thereof, or the explanation, if any, offered by him is not, in the opinion of the Income-tax Officer, satisfactory, the amount covered by such expenditure or part thereof, as the case may be, may be deemed to be the income of the assessee for such financial year.

69D. *Amount borrowed or repaid on hundi.*—Where any amount is borrowed on a hundi from, or any amount due thereon is repaid to, any person otherwise than through an account payee cheque drawn on a bank, the amount so borrowed or repaid shall be deemed to be the income of the person borrowing or repaying the amount aforesaid for the previous year in which the amount was borrowed or repaid, as the case may be:

Provided that, if in any case any amount borrowed on a hundi has been deemed under the provisions of this section to be the income of any person, such person shall not be liable to be assessed again in respect of such amount under the provisions of this section on repayment of such amount.

**Explanation.**—For the purposes of this section, the amount repaid shall include the amount of interest paid on the amount borrowed.”

**15. Amendment of section 73.**—In section 73 of the Income-tax Act, the following *Explanation* shall be inserted at the end, namely:—

“**Explanation.**—Where any part of the business of a company [other than an investment company, as defined in clause (ii) of section 109, or a company the principal business of which is the business of banking or the granting of loans and advances] consists in the purchase and sale of shares of other companies, such company shall, for the purposes of this section, be deemed to be carrying on a speculation business to the extent to which the business consists of the purchase and sale of such shares”.

16. *Amendment of section 80A.*—In section 80A of the Income-tax Act,—

- (i) in sub-section (1), for the figures and letter “80U” the figures and letters “80VV” shall be substituted;
- (ii) in sub-section (3), the words, figures and letter “or section 80H” shall be omitted.

17. *Amendment of section 80B.*—In section 80B of the Income-tax Act, clauses (1) and (9) shall be omitted.

18. *Amendment of section 80G.*—In section 80G of the Income-tax Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) In computing the total income of an assessee, there shall be deducted, in accordance with and subject to the provisions of this section, an amount equal to fifty per cent of the aggregate of the sums specified in sub-section (2).”;

(ii) in clause (i) of sub-section (5), after the words, brackets and figures “or clause (23),” the words, brackets figures and letter “or clause (23C)” shall be inserted.

19. *Insertion of new section 80GG.*—In Chapter VIA of the Income-tax Act, under the heading “B.—Deductions in respect of certain payments”, after section 80G, the following section shall be inserted, namely:—

‘80GG. *Deduction in respect of rents paid.*—In computing the total income of an assessee, not being an assessee having any income falling within clause (13A) of section 10, there shall be deducted any expenditure incurred by him in excess of ten per cent of his total income towards payment of rent (by whatever name called) in respect of any furnished or unfurnished accommodation occupied by him for the purposes of his own residence, to the extent to which such excess expenditure does not exceed three hundred rupees per month or fifteen per cent of his total income for the year, whichever is less, and subject to such other conditions or limitations as may be prescribed, having regard to the area or place in which such accommodation is situated and other relevant considerations:

Provided that nothing in this section shall apply to an assessee in any case where any residential accommodation is owned by him or by his spouse or minor child, or, where such assessee is a member of a Hindu undivided family, by such family.

*Explanation.*—In this section, the expressions “ten per cent of his total income” and “fifteen per cent of his total income” shall mean ten per cent or fifteen per cent, as the case may be, of the assessee’s total income before allowing deduction for any expenditure under this section.

20. *Omission of section 80H.*—Section 80H of the Income-tax Act shall be omitted.

21. *Amendment of section 80HH.*—In section 80HH of the Income-tax Act, sub-section (8) shall be omitted.

22. *Amendment of section 80J.*—In section 80J of the Income-tax Act,—

- (i) in sub-section (1), for the brackets, words, figures and letters “(reduced by the aggregate of the deductions, if any, admissible to the assessee under section 80H and section 80HH)”, the brackets, words, figures and letters “(reduced by

the deduction, if any, admissible to the assessee under section 80HH)” shall be substituted;

- (ii) in sub-section (3), the word, figures and letter “section 80H,” shall be omitted.

23. *Amendment of section 80L.*—In sub-section (1) of section 80L of the Income-tax Act, after clause (vii), the following clause shall be inserted, namely:—

“(viii) interest on deposits with any authority constituted in India by or under any law enacted either for the purpose of dealing with and satisfying the need for housing accommodation or for the purpose of planning, development or improvement of cities, towns and villages, or for both.”.

24. *Amendment of section 80P.*—In sub-section (3) of section 80P of the Income-tax Act,—

- (i) the words, figures and letter “section 80H or” shall be omitted;

- (ii) for the words, figures and letters “deductions under section 80H, section 80HH, section 80J and section 80JJ”, the words, figures and letters “deductions under section 80HH, section 80J and section 80JJ” shall be substituted.

25. *Amendment of section 80QQ.*—In section (2) of section 80QQ of the Income-tax Act,—

- (i) the words, figures and letter “section 80H or” shall be omitted;

- (ii) the word, figures and letter “section 80H” shall be omitted.

26. *Insertion of new sections 80V and 80VV.*—In Chapter VIA of the Income-tax Act, under the heading “D.—Other deductions” after section 80U, the following sections shall be inserted, namely:—

“80V. *Deduction of interest on moneys borrowed to pay taxes.*—In computing the total income of an assessee, there shall be allowed by way of deduction any interest paid by him in the previous year on any money borrowed for the payment of any tax due from him under this Act.

80VV. *Deduction in respect of expenses incurred in connection with certain proceedings under the Act.*—In computing the total income of an assessee, there shall be allowed by way of deduction any expenditure incurred by him in the previous year in respect of any proceedings before any income-tax authority or the Appellate Tribunal or any court relating to the determination of any liability under this Act, by way of tax, penalty or interest:

Provided that no deduction under this section shall, in any case, exceed in the aggregate five thousand rupees.”.

27. *Amendment of section 104.*—In section 104 of the Income-tax Act, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Without prejudice to the provisions of section 108, nothing contained in this section shall apply to a company which is neither an Indian company nor a company which has made the prescribed arrangements for the declaration and payment of dividends within India.”.

28. *Amendment of section 109.*—In section 109 of the Income-tax Act,—

- (a) after clause (i), the following clauses shall be inserted, namely:—

“(ia) “industrial company” means an Indian company



whose business consists wholly in the construction of ships or in the manufacture or processing of goods or in mining or in the generation or distribution of electricity, or any other form of power;

(ib) "consultancy service company" means an Indian company whose business consists wholly in the provision of technical know-how, or in the rendering of services in connection with the provision of technical know-how, to other persons.

*Explanation.*—In this clause and in sub clause (3) of clause (iii), the expression "provision of technical know-how" has the meaning assigned to it in sub-section (2) of section 80MM;—

(b) in clause (iii),—

(i) for sub-clause (1), the following sub-clauses shall be substituted, namely:—

"(1) in the case of an industrial company or a consultancy service company 45%

(2) in the case of an investment company other than an investment company which falls under sub-clause (3) of this clause 90%;"

(ii) in sub-clause (3), for the portion beginning with the words "in the case of an Indian company" and ending with the words "attributable to such business Nil";

the following shall be substituted, namely:—

"in the case of an Indian company, not being an industrial company or a consultancy service company, a part of whose gross total income consists of profits and gains attributable to the business of provision of technical know-how, or of rendering services in connection with the provision of technical know-how, to other persons, or of construction of ships or of manufacture or processing of goods or of mining or of generation or distribution of electricity or any other form of power—

(a) in relation to the said part of its gross total income 45%;"

(iii) for the *Explanation* below sub-clause (3), the following *Explanation* shall be substituted, namely:—

*Explanation.*—The provisions of this Chapter shall apply as if the aforesaid two parts of the gross total income of the company were respectively the gross total income of the company in relation to each such part and as if the amount of dividends actually distributed and the distributable income were also similarly apportioned for the purposes of section 104 and this section;".

29. *Amendment of section 124.*—In sub-section (2) of section 124 of the Income-tax Act, for the portion beginning with the words "and shall perform such functions" and ending with the words "work to be performed," the following shall be substituted, namely:—

"and shall perform their functions in relation to the said area, or persons or classes of persons, or incomes or classes of income, or cases or classes of cases, in accordance with such general or special orders in writing as the Commissioner or the Inspecting Assistant Commissioner authorised by the Commissioner in this behalf, may make for the purpose of facilitating the performance of such functions."

30. *Amendment of section 125.*—In sub-section (1) of section 125 of the Income-tax Act, in the proviso,—

(i) after the figures and letter "132A," the figures and letter "132B," shall be inserted;

(ii) for the words, figures and brackets "and 271 to 274 (both inclusive)", the figures, words and brackets "271 to 273 (both inclusive) and 274" shall be substituted.

31. *Insertion of new section 125A.*—After section 125 of the Income-tax Act, the following section shall be inserted, namely:—

"125A. *Concurrent jurisdiction of Inspecting Assistant Commissioner and Income-tax Officer.*—(1) The Commissioner may, by general or special order in writing, direct that all or any of the powers or functions conferred on, or assigned to, the Income-tax Officer or Income-tax Officers by or under this Act in respect of any area, or persons or classes of persons, or incomes or classes of income, or cases or classes of cases, shall be exercised or performed concurrently by the Inspecting Assistant Commissioner.

(2) Where under sub-section (1), an Inspecting Assistant Commissioner exercises concurrent jurisdiction with one or more Income-tax Officers in respect of any area, or persons or classes of persons, or incomes or classes of income, or cases or classes of cases, the Income-tax Officer or Income-tax Officers shall exercise the powers and perform the functions under this Act in relation thereto as the Inspecting Assistant Commissioner may direct.

(3) Without prejudice to the generality of the provisions contained in sub-section (3) of section 119, every Income-tax Officer shall also observe and follow such instructions as may be issued to him for his guidance by the Inspecting Assistant Commissioner within whose jurisdiction he performs his functions in relation to any particular proceeding or the initiation of any proceeding under this Act:

Provided that no instructions, which are prejudicial to the assessee, shall be issued before an opportunity is given to the assessee to be heard.

*Explanation.*—For the purposes of this sub-section, no instruction as to the lines on which an investigation connected with the assessment should be made shall be deemed to be an instruction prejudicial to the assessee.

(4) Where an order is made under sub-section (1) and the Inspecting Assistant Commissioner exercises the powers or performs the functions of an Income-tax Officer in relation to any area, or persons or classes of persons, or incomes or classes of income, or cases or classes of cases, references in this Act or in any rule made thereunder to the Income-tax Officer and the Appellate Assistant Commissioner shall be construed as references to the Inspecting Assistant Commissioner and the Commissioner respectively and, accordingly:—

(i) any provision of this Act requiring approval or sanction of the Inspecting Assistant Commissioner shall not apply;

(ii) any appeal which would otherwise have lain to the Appellate Assistant Commissioner shall lie to the Commissioner;

(iii) any appeal which would have lain from an order of the Appellate Assistant Commissioner to the Appellate Tribunal shall lie from the order of the Commissioner."

32. *Amendment of section 127.*—In section 127 of the Income-tax Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Commissioner may, after giving the assessee a reasonable opportunity of being heard in the matter, wherever it is possible to do so, and after recording his reasons for doing so, transfer any case from one or more of the following officers subordinate to him, namely:—

- (a) any Income-tax Officer or Income-tax Officers;
- (b) any Income-tax Officer or Income-tax Officers having concurrent jurisdiction with the Inspecting Assistant Commissioner,

to any other Income-tax Officer or Income-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) also subordinate to him and the Board may similarly transfer any case from—

- (i) any Income-tax Officer or Income-tax Officers, or
- (ii) any Income-tax Officer or Income-tax Officers having concurrent jurisdiction with the Inspecting Assistant Commissioner,

to any other Income-tax Officer or Income-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner):

Provided that nothing in this sub-section shall be deemed to require any such opportunity to be given where the transfer is from any Income-tax Officer or Income-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) to any other Income-tax Officer or Income-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) and the offices of all such officers are situated in the same city, locality or place:

Provided further that—

- (a) where any case has been transferred from any Income-tax Officer or Income-tax Officers to two or more Income-tax Officers, the Income-tax Officers to whom the case is so transferred shall have concurrent jurisdiction over such case and shall perform their functions in accordance with such general or special orders in writing as the Board or the Commissioner or the Inspecting Assistant Commissioner authorised by the Commissioner in this behalf, may make for the purpose of facilitating the performance of such functions;
- (b) where any case has been transferred from any Income-tax Officer or Income-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner), to two or more Income-tax Officers with concurrent jurisdiction with the Inspecting Assistant Commissioner, the officers (including the Inspecting Assistant Commissioner) to whom the case is so transferred shall have concurrent jurisdiction over such case and shall perform their functions in accordance with such general or special orders in writing as the Board or the Commissioner may make for the purpose of facilitating the performance of such functions, and the Income-tax Officers shall perform their functions also in accordance with such orders or directions as the Inspecting Assistant Commissioner may make under sub-section (2) of section 124 or, as the case may be, under sub-section (2) of section 125A.”

33. *Amendment of section 130A.*—In section 130A of the Income-tax Act, after clause (b), the following clause shall be inserted, namely:—

“(c) in a case, where two or more Income-tax Officers have concurrent jurisdiction over such assessee in relation to any function, be the Income-tax Officers empowered to perform such function by the Board or, as the case may be, the Income-tax Officers to whom such function has been assigned by an order of the Commissioner or by an order or a direction of the Inspecting Assistant Commissioner under sub-section (2) of section 124 or, as the case may be, under sub-section (2) of section 125A.”

34. *Amendment of section 131.*—In section 131 of the Income-tax Act,—

(i) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) If the Assistant Director of Inspection has reason to suspect that any income has been concealed, or is likely to be concealed, by any person or class of persons, within his jurisdiction, then, for the purpose of making any enquiry or investigation relating thereto, it shall be competent for him to exercise the powers conferred under sub-section (1) on the Income-tax authorities referred to in that sub-section, notwithstanding that no proceedings with respect to such person or class of persons are pending before him or any other Income-tax authority.”;

(ii) in sub-section (3),—

- (a) in the opening paragraph, after the word, brackets and figure “sub-section (1)”, the words, brackets, figure and letter “or sub-section (1A)” shall be inserted;
- (b) in the proviso, for the words “an Income-tax Officer”, the words “an Income-tax Officer or an Assistant Director of Inspection” shall be substituted.

35. *Amendment of section 132.*—In section 132 of the Income-tax Act,—

(a) in sub-section (1),—

(i) in the opening paragraph, for the words “Where the Director of Inspection or the Commissioner”, the following shall be substituted, namely:—

“Where the Director of Inspection or the Commissioner or any such Deputy Director of Inspection or Inspecting Assistant Commissioner as may be empowered in this behalf by the Board,”;

(ii) in clause (c), for the words “which has not been disclosed”, the words “which has not been, or would not be, disclosed” shall be substituted;

(iii) for the portion beginning with the words “he may authorise” and ending with the brackets and words “(hereinafter referred to as the authorised officer) to—”, the following shall be substituted namely:—

“then,—

(A) the Director of Inspection or the Commissioner, as the case may be, may authorise any Deputy Director of Inspection Inspecting Assistant Commissioner, Assistant Director of Inspection or Income-tax Officer; or



(B) such Deputy Director of Inspection or Inspecting Assistant Commissioner, as the case may be, may, authorise any Assistant Director of Inspection or Income-tax Officer,

(the officer so authorised in all cases being hereinafter referred to as the authorised officer) to—;

(iv) in clause (i), for the words "building or place", the words "building, place, vessel, vehicle or aircraft" shall be substituted;

(v) after clause (ii), the following clause shall be inserted, namely:—

(iia) search any person who has got out of, or is about to get into, or is in, the building, place, vessel, vehicle or aircraft, if the authorised officer has reason to suspect that such person has secreted about his person any such books of account, other documents, money, bullion, jewellery or other valuable article or thing;"

(vi) the following proviso shall be inserted at the end, namely:—

"Provided that where any building, place, vessel, vehicle or aircraft referred to in clause (i) is within the area of jurisdiction of any Commissioner, but such Commissioner has no jurisdiction over the person referred to in clause (a) or clause (b) or clause (c), then, notwithstanding anything contained in section 121, it shall be competent for him to exercise the powers under this sub-section in all cases where he has reason to believe that any delay in getting the authorisation from the Commissioner having jurisdiction over such person may be prejudicial to the interests of the revenue."

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Where any Commissioner, in consequence of information in his possession, has reason to suspect that any books of account, other documents, money bullion, jewellery or other valuable article or thing in respect of which an officer has been authorised by the Director of Inspection or any other Commissioner or any such Deputy Director of Inspection or Inspecting Assistant Commissioner as may be empowered in this behalf by the Board to take action under clauses (i) to (v) of sub-section (1) are or is kept in any building, place, vessel, vehicle or aircraft not mentioned in the authorisation under sub-section (1), such Commissioner may, notwithstanding anything contained in section 121, authorise the said officer to take action under any of the clauses aforesaid in respect of such building, place, vessel, vehicle or aircraft."

(c) in sub-section (2), after the word, brackets and figure "sub-section (1)", the words, brackets, figure and letter "or sub-section (1A)" shall be inserted;

(d) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) Where any books of account, other documents, money, bullion, jewellery or other valuable article or thing are or is found in the possession or control of any person in the course of a search, it may be presumed—

(i) that such books of account, other documents, money, bullion, jewellery or other valuable article or thing belong or belongs to such person;

(ii) that the contents of such books of account and other documents are true; and

(iii) that the signature and every other part of such books of account and other documents which purport to be in the handwriting of any particular person or which may reasonably be assumed to have been signed by, or to be in the handwriting of, any particular person, are in that person's handwriting, and in the case of a documents stamped, executed or attested, that it was duly stamped and executed or attested by the person by whom it purports to have been so executed or attested."

(e) in sub-section (5),—

(i) for the opening paragraph, the following shall be substituted, namely:—

"Where any money, bullion, jewellery or other valuable article or thing (hereafter in this section and in sections 132A and 132B referred to as the assets) is seized under sub-section (1) or sub-section (1A) the Income-tax Officer, after affording a reasonable opportunity to the person concerned of being heard and making such enquiry as may be prescribed, shall, within ninety days of the seizure, make an order, with the previous approval of the Inspecting Assistant Commissioner,—"

(ii) after clause (ii), the following clause shall be inserted, namely:—

"(iia) determining the amount of interest payable and the amount of penalty imposable in accordance with the provisions of the Indian Income-tax Act, 1922 (11 of 1922) or this Act, as if the order had been the order of regular assessment;"

(iii) for the words, brackets and figures "clauses (ii) and (iii)", at both the places where they occur, the words, brackets, figures and letter "clauses (ii), (iia) and (iii)" shall be substituted;

(iv) in the first proviso, after the words "the financial year in which the assets were seized", the words "and may also determine the interest or penalty, if any, payable or imposable accordingly" shall be inserted;

(f) in sub-section (6), for the word, figures and letter "section 132A", the word, figures and letter "section 132B" shall be substituted;

(g) in sub-section (8), after the word, brackets and figure "sub-section (1)", the words, brackets, figure and letter "or sub-section (1A)" shall be inserted;

(h) in sub-section (9), after the word, brackets and figure "sub-section (1)", the words, brackets, figure and letter "or sub-section (1A)" shall be inserted;

(i) after sub-section (9), the following sub-section shall be inserted, namely:—

"(9A) Where the authorised officer has no jurisdiction over the person referred to in clause (a) or clause (b) or clause (c) of sub-section (1), the books of account or other documents or assets

seized under that sub-section shall be handed over by the authorised officer to the Income-tax Officer having jurisdiction over such person within a period of fifteen days of such seizure and thereupon the powers exercisable by the authorised officer under sub-section (8) or sub-section (9) shall be exercisable by such Income-tax Officer.”:

(j) in sub-section (10), after the word, brackets and figure “sub-section (1)”, the words, brackets, figure and letter “or sub-section (1A)” shall be inserted;

(k) for sub-section (13), the following sub-section shall be substituted, namely:—

“(13) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to searches and seizure shall apply, so far as may be, searches and seizure under sub-section (1) or sub-section (1A).”:

(l) in sub-section (14), in clause (i), for the words “such building or place”, the words “any building, place, vessel, vehicle or aircraft” shall be substituted.

**36. Amendment of section 132A.**—Section 132A of the Income-tax Act shall be re-numbered as section 132B thereof, and—

(i) before that section as so re-numbered, the following section shall be inserted, namely:—

**132A. Power to requisition books of account, etc.**—

(i) Where the Director of Inspection or the Commissioner, in consequence of information in his possession, has reason to believe that—

(a) any person to whom a summons under sub-section (1) of section 37 of the Indian Income-tax Act, 1922 (11 of 1922) or under sub-section (1) of section 131 of this Act, or a notice under sub-section (4) of section 22 of the Indian Income-tax Act, 1922 or under sub-section (1) of section 142 of this Act was issued to produce, or cause to be produced, any books of account or other documents has omitted or failed to produce, or cause to be produced, such books of account or other documents, as required by such summons or notice and the said books of account or other documents have been taken into custody by any officer or authority under any other law for the time being in force, or

(b) any books of account or other documents will be useful for, or relevant to, any proceeding under the Indian Income-tax Act, 1922 (11 of 1922) or under this Act and any person to whom a summons or notice as aforesaid has been or might be issued will not, or would not, produce or cause to be produced, such books of account or other documents on the return of such books of account or other documents by any officer or authority by whom or which such books of account or other documents have been taken into custody under any other law for the time being in force, or

(c) any assets represent either wholly or partly income or property which has not been, or would not have been, disclosed for the purposes of the Indian Income-tax Act, 1922 (11 of 1922) or this Act by any person from whose possession or control such assets have

been taken into custody by any officer or authority under any other law for the time being in force,

then, the Director of Inspection or the Commissioner may authorise any Deputy Director of Inspection, Inspecting Assistant Commissioner, Assistant Director of Inspection or Income-tax Officer [hereafter in this section and in sub-section (2) of section 278D referred to as the requisitioning officer] to require the officer or authority referred to in clause (a) or clause (b) or clause (c), as the case may be, to deliver such books of account, other documents or assets to the requisitioning officer.

(2) On a requisition being made under sub-section (1), the officer or authority referred to in clause (a) or clause (b) or clause (c), as the case may be, of that sub-section shall deliver the books of account, other documents or assets to the requisitioning officer either forthwith or when such officer or authority is of the opinion that it is no longer necessary to retain the same in his or its custody.

(3) Where any books of account, other documents or assets have been delivered to the requisitioning officer, the provisions of sub-sections (4A) to (14) (both inclusive) of section 132 and section 132B shall, so far as may be, apply as if such books of account, other documents or assets had been seized under sub-section (1) of section 132 by the requisitioning officer from the custody of the person referred to in clause (a) or clause (b) or clause (c), as the case may be, of sub-section (1) of this section and as if for the words “the authorised officer” occurring in any of the aforesaid sub-sections (4A) to (14), the words “the requisitioning officer” were substituted.”;

(ii) in section 132B as so re-numbered, in sub-section (1), in clause (i), after the word “relates”, the brackets and words “(including any penalty levied or interest payable in connection with such assessment or re-assessment)” shall be inserted.

**37. Substitution of new section for section 133A.**—For section 133A of the Income-tax Act, the following section shall be substituted, namely:—

**133A. Power of survey.**—(1) Notwithstanding anything contained in any other provision of this Act, an Income-tax authority may enter—

(a) any place within the limits of the area assigned to him, or

(b) any place occupied by any person in respect of whom he exercises jurisdiction,

at which a business or profession is carried on, whether such place be the principal place or not of such business or profession, and require any proprietor, employee or any other person who may at that time and place be attending in any manner to, or helping in, the carrying on of such business or profession—

(i) to afford him the necessary facility to inspect such books of account or other documents as he may require and which may be available at such place,

(ii) to afford him the necessary facility to check or verify the cash, stock or other valuable article or thing which may be found therein, and

(iii) to furnish such information as he may require as to any matter which may be useful for, or relevant to, any proceeding under this Act.

*Explanation.*—For the purposes of this sub-section, a place where a business or profession is carried on shall also include any other place, whether any business or profession is carried on therein or not, in which the person carrying on the business or profession states that any of his books of account or other documents or any part of his cash or stock or other valuable article or thing relating to his business or profession are or is kept.

(2) An Income-tax authority may enter any place of business or profession referred to in sub-section (1) only during the hours at which such place is open for the conduct of business or profession and, in the case of any other place, only after sunrise and before sunset.

(3) An Income-tax authority acting under this section may,—

(i) if he so deems necessary, place marks of identification on the books of account or other documents inspected by him and make or cause to be made extracts or copies therefrom,

(ii) make an inventory of any cash, stock or other valuable article or thing checked or verified by him.

(iii) record the statement of any person which may be useful for, or relevant to, any proceeding under this Act.

(4) An Income-tax authority acting under this section shall, on no account, remove or cause to be removed from the place wherein he has entered, any books of account or other documents or any cash, stock or other valuable article or thing.

(5) Where, having regard to the nature and scale of expenditure incurred by an assessee, in connection with any function, ceremony or event, the Income-tax authority is of the opinion that it is necessary or expedient so to do, he may, at any time after such function, ceremony or event, require the assessee by whom such expenditure has been incurred or any person who, in the opinion of the Income-tax authority, is likely to possess information as respects the expenditure incurred, to furnish such information as he may require as to any matter which may be useful for, or relevant to, any proceeding under this Act and may have the statements of the assessee or any other person recorded and any statement so recorded may thereafter be used in evidence in any proceeding under this Act.

(6) If a person under this section is required to afford facility to the Income-tax authority to inspect books of account or other documents or to check or verify any cash, stock or other valuable article or thing or to furnish any information or to have his statement recorded either refuses or evades to do so, the Income-tax authority shall have all the powers under sub-sections (1) and (2) of section 131 for enforcing compliance with the requirement made.

*Explanation.*—In this section,—

(a) “Income-tax authority” means an Inspecting Assistant Commissioner, an Assistant Director of Inspection or an Income-tax Officer, and for the purposes of clause (i) of sub-section (1), clause (i) of sub-section (3) and sub-section (5), includes an Inspector of Income-tax, if so authorised by the Income-tax Officer;

(b) “proceeding” means any proceeding under this Act in respect of any year which may be pending on the date on which the powers under this section

are exercised or which may have been completed on or before such date and includes also all proceedings under this Act which may commenced after such date in respect of any year.

38. *Amendment of section 139.*—In section 139 of the Income-tax Act,—

(i) in sub-section (2), for the words “serve a notice upon him”, the words “issue a notice to him and serve the same upon him” shall be substituted;

(ii) for sub-section (6), the following sub-sections shall be substituted, namely:—

“(6) The prescribed form of the returns referred to in sub-sections (1), (2) and (3) shall, in such cases as may be prescribed, require the assessee to furnish the particulars of income exempt from tax, assets of the prescribed nature and value and belonging to him, expenditure exceeding the prescribed limits incurred by him under prescribed heads and such other outgoings as may be prescribed.

(6A) Without prejudice to the provisions of sub-section (6), the prescribed form of the returns referred to in sub-sections (1), (2) and (3) shall, in the case of an assessee engaged in any business or profession, also require him to furnish particulars of the location and style of the principal place where he carries on the business or profession and all the branches thereof, the names and addresses of his partners, if any, in such business or profession and, if he is a member of an association or body of individuals, the names of the other members of the association or the body of individuals and the extent of the share of the assessee and the shares of all such partners or the members, as the case may be, in the profits of the business or profession and any branches thereof.”

39. *Insertion of new section 139A.*—After section 139 of the Income-tax Act, the following section shall be inserted, namely:—

“139A. *Permanent account numbers.*—(1) Every person, if his total income or the total income of any other person in respect of which he is assessable under this Act during any accounting year exceeded the maximum amount which is not chargeable to income-tax and he has not been allotted any permanent account number, shall, within such time as may be prescribed, apply to the Income-tax Officer for the allotment of a permanent account number.

(2) Notwithstanding anything contained in sub-section (1), every person not falling under that sub-section, but carrying on any business whose total sales, turnover or gross receipts are or is likely to exceed fifty thousand rupees in any accounting year and who has not been allotted any permanent account number, shall, within such time as may be prescribed, apply to the Income-tax Officer for the allotment of a permanent account number.

(3) The Income-tax Officer may also allot to any other person by whom tax is payable, a permanent account number.

(4) All permanent account numbers allotted to assessee before the commencement of the Taxation Laws (Amendment) Act, 1975 shall, with effect from such date as the Board may, by notification in the Official Gazette,

specify, be deemed to have been allotted to them under the provisions of this section.

(5) Where a permanent account number has been allotted or is deemed to have been allotted to any person under this section, he shall—

- (a) quote such number in all his returns to, or correspondence with, any Income-tax authority;
  - (b) quote such number in all challans for the payment of any sum due under this Act;
  - (c) quote such number in all documents pertaining to such transactions as may be prescribed by the Board in the interests of the revenue, and entered into by him;
  - (d) intimate the Income-tax Officer any change in his address or in the name and nature of his business.
- (6) The board may make rules providing for—
- (a) the form and the manner in which an application may be made for the allotment of a permanent account number and the particulars which such application shall contain;
  - (b) the categories of transactions in relation to which permanent account numbers shall be quoted by the persons to whom such numbers have been allotted, in the documents pertaining to such transactions.

*Explanation.*—In this section,—

- (a) “accounting year” means,—
  - (i) in relation to a person maintaining accounts, the year ending on the day on which such accounts are or are to be closed and balanced;
  - (ii) in relation to any other person, the financial year;
- (b) “permanent account number” means a number which the income-tax Officer may allot to any person for the purpose of identification.

**40. Amendment of section 140.**—In section 140 of the Income-tax Act, for clauses (c) and (d), the following clauses shall be substituted, namely:—

- “(c) in the case of a company, by the managing director thereof, or where for any unavoidable reason such managing director is not able to sign and verify the return, or where there is no managing director, by any director thereof;
- (cc) in the case of a firm, by the managing partner thereof, or where for any unavoidable reason such managing partner is not able to sign and verify the return, or where there is no managing partner as such, by any partner thereof, not being a minor;
- (d) in the case of a local authority, by the principal officer thereof;”

**41. Amendment of section 140A.**—In section 140A of the Income-tax Act,—

- (i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Where any tax is payable on the basis of any return required to be furnished under section 139 or section 148, after taking into account the amount of tax, if any, already paid under any provision of this Act, the assessee shall be liable to pay such tax before furnishing the return and the return shall be accompanied by proof of payment of such tax.”;

- (ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If any assessee fails to pay the tax or any part thereof in accordance with the provisions of sub-section (1), the Income-tax Officer may direct that a sum equal to two per cent of such tax or part thereof, as the case may be, shall be recovered from him by way of penalty for every month during which the default continues.”

Provided that before levying any such penalty, the assessee shall be given a reasonable opportunity of being heard.”.

**42. Amendment of section 141A.**—In section 141A of the Income-tax Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Where a return has been furnished under section 139 and the assessee claims that the tax paid or deemed to have been paid under the provisions of Chapter XVII-B, or Chapter XVII-C, exceeds the tax payable on the basis of the return and the accounts and documents accompanying it, the Income-tax Officer, if he is of the opinion that the regular assessment of the assessee is not likely to be made within six months from the date of furnishing of the return, shall make in a summary manner within the said six months a provisional assessment of the sum refundable to the assessee, after making such adjustments to the income or loss declared in the return as are required to be made under sub-section (2) with reference to such return, accounts and documents, and for the purposes of the adjustments referred to in clause (iv) of sub-section (2), also with reference to the records of the assessments, if any, of past years.”

**43. Amendment of section 142.**—In section 142 of the Income-tax Act,—

- (i) in sub-section (1), for the words, brackets and figures “or upon whom a notice has been served under sub-section (2) of section 139” the words, brackets and figures “or to whom a notice has been issued under sub-section (2) of section 139” shall be substituted;
- (ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2A) If, at any stage of the proceedings before him, the Income-tax Officer, having regard to the nature and complexity of the accounts of the assessee and the interests of the revenue, is of the opinion that it is necessary so to do, may, with the previous approval of the Commissioner, direct the assessee to get the accounts audited by an accountant, as defined in the Explanation below sub-section (2) of section 288, nominated by the Commissioner in this behalf and to furnish a report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed and such other particulars as the Income-tax Officer may require.

“(2B) The provisions of sub-section (2A) shall have effect notwithstanding that the accounts of the assessee have been audited under any other law for the time being in force or otherwise.

“(2C) Every report under sub-section (2A) shall be furnished by the assessee to the Income-tax



Officer within such period as may be specified by the Income-tax Officer:

Provided that the Income-tax Officer may, on an application made in this behalf by the assessee and for any good and sufficient reason, extend the said period by such further period or periods as he thinks fit; so, however, that the aggregate of the period originally fixed and the period or periods so extended shall not, in any case, exceed one hundred and eighty days from the date on which the direction under sub-section (2A) is received by the assessee.

(2D) The expenses of, and incidental to, any audit under sub-section (2A) (including the remuneration of the accountant) shall be determined by the Commissioner (which determination shall be final) and paid by the assessee and in default of such payment, shall be recoverable from the assessee in the manner provided in Chapter XVII-D for the recovery of arrears of tax.”;

(iii) in sub-section (3), after the words, brackets and figure “under sub-section (2)”, the words, brackets, figure and letter “or any audit under sub-section (2A)” shall be inserted.

44. *Amendment of section 144.*—In section 144 of the Income-tax Act, in clause (b), after the words, brackets and figures “sub-section (1) of section 142”, the words, brackets, figure and letter “or fails to comply with a direction issued under sub-section (2A) of that section” shall be inserted.

45. *Insertion of new sections 144A and 144B.*—After section 144 of the Income-tax Act, the following sections shall be inserted, namely:—

“144A. *Power of Inspecting Assistant Commissioner to issue directions in certain cases.*—(1) An Inspecting Assistant Commissioner may, on his own motion or on a reference being made to him by the Income-tax Officer or on the application of an assessee, call for and examine the record of any proceeding in which an assessment is pending and, if he considers that, having regard to the nature of the case or the amount involved or for any other reason, it is necessary or expedient so to do, he may issue such directions as he thinks fit for the guidance of the Income-tax Officer to enable him to complete the assessment and such directions shall be binding on the Income-tax Officer:

Provided that no directions which are prejudicial to the assessee shall be issued before an opportunity is given to the assessee to be heard.

*Explanation.*—For the purposes of this sub-section, no direction as to the lines on which an investigation connected with the assessment should be made, shall be deemed to be a direction prejudicial to the assessee.

(2) The provisions of this section shall be in addition to, and not in derogation of, the provisions contained in sub-section (3) of section 119.

144B. *Reference to Inspecting Assistant Commissioner in certain cases.*—(1) Notwithstanding anything contained in this Act, where, in an assessment to be made under sub-section (3) of section 143, the Income-tax Officer proposes to make any variation in the income or loss returned which is prejudicial to the assessee and the amount of such variation exceeds the amount fixed by the Board under sub-section (6), the Income-tax Officer shall, in the first instance, forward a draft of the proposed order of assessment (hereafter in this section referred to as the draft order) to the assessee.

(2) On receipt of the draft order, the assessee may forward his objections, if any, to such variation to the Income-tax Officer within seven days of the receipt by him of the draft order or within such further period not exceeding fifteen days as the Income-tax Officer may allow on an application made to him in this behalf.

(3) If no objections are received within the period or the extended period aforesaid, or the assessee intimates to the Income-tax Officer the acceptance of the variation, the Income-tax Officer shall complete the assessment on the basis of the draft order.

(4) If any objections are received, the Income-tax Officer shall forward the draft order together with the objections to the Inspecting Assistant Commissioner and the Inspecting Assistant Commissioner shall, after considering the draft order and the objections and after going through (wherever necessary) the records relating to the draft order, issue, in respect of the matters covered by the objections, such directions as he thinks fit for the guidance of the Income-tax Officer to enable him to complete the assessment:

Provided that no directions which are prejudicial to the assessee shall be issued under this sub-section before an opportunity is given to the assessee to be heard.

(5) Every direction issued by the Inspecting Assistant Commissioner under sub-section (4) shall be binding on the Income-tax Officer.

(6) For the purposes of sub-section (1), the Board may, having regard to the proper and efficient management of the work of assessment, by order, fix, from time to time, such amount as it deems fit:

Provided that different amounts may be fixed for different areas:

Provided further that the amount fixed under this sub-section shall, in no case, be less than twenty-five thousand rupees.

(7) Nothing in this section shall apply to a case where an Inspecting Assistant Commissioner exercises the powers or performs the functions of an Income-tax Officer in pursuance of an order made under section 125 or section 125A.”.

46. *Amendment of section 146.*—Section 146 of the Income-tax Act shall be re-numbered as sub-section (1) thereof, and after that sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Every application made under sub-section (1) shall be disposed of within ninety days from the date of receipt thereof by the Income-tax Officer:

Provided that in computing the period of ninety days aforesaid, any delay in disposing of the application which is attributable to the assessee shall be excluded.”.

47. *Amendment of section 153.*—In section 153 of the Income-tax Act, for *Explanation 1*, the following *Explanation* shall be substituted, namely:—

“*Explanation 1.*—In computing the period of limitation for the purposes of this section—

(i) the time taken in re-opening the whole or any part of the proceeding or in giving an opportunity to the assessee to be re-heard under the proviso to section 129, or

(ii) the period during which the assessment proceeding is stayed by an order or injunction of any court, or

(iii) the period commencing from the date on which the Income-tax Officer directs the assessee to

get his accounts audited under sub-section (2A) of section 142 and ending with the date on which the assessee furnishes a report of such audit under that sub-section, or

- (iv) the period (not exceeding one hundred and eighty days) commencing from the date on which the Income-tax Officer forwards the draft order under sub-section (1) of section 144B to the assessee and ending with the date on which the Income-tax Officer receives the directions from the Inspecting Assistant Commissioner under sub-section (4) of that section, or, in a case where no objections to the draft order are received from the assessee, a period of thirty days, or
- (v) in a case where an application made before the Income-tax Settlement Commission under section 245C is rejected by it or is not allowed to be proceeded with by it, the period commencing from the date on which such application is made and ending with the date on which the order under sub-section (1) of section 245D is received by the Commissioner under sub-section (2) of that section, shall be excluded."

48. *Amendment of section 154.*—In sub-section (1) of section 154 of the Income-tax Act, clause (bb) shall be omitted.

49. *Amendment of section 176.*—In section 176 of the Income-tax Act, after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) Where any business is discontinued in any year, any sum received after the discontinuance shall be deemed to be the income of the recipient and charged to tax accordingly in the year of receipt, if such sum would have been included in the total income of the person who carried on the business had such sum been received before such discontinuance."

50. *Amendment of section 179.*—For the existing sub-heading "M-Private company in liquidation" before section 179 of the Income-tax Act, the sub-heading "M-Private Companies" shall be substituted and that section shall be re-numbered as sub-section (1) thereof and,—

- (a) in sub-section (1) as so re-numbered, for the portion beginning with the word "Notwithstanding" and ending with the words "any previous year", the following shall be substituted, namely:—

"Notwithstanding anything contained in the Companies Act, 1956 (1 of 1956), where any tax due from a private company in respect of any income of any previous year or from any other company in respect of any income of any previous year during which such other company was a private company";

- (b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Where a private company is converted into a public company and the tax assessed in respect of any income of any previous year during which such company was a private company cannot be recovered, then, nothing contained in sub-section (1) shall apply to

any person who was a director of such private company in relation to any tax due in respect of any income of such private company assessable for any assessment year commencing before the 1st day of April, 1962."

51. *Amendment of section 185.*—In section 185 of the Income-tax Act, in sub-section (1), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

"*Explanation.*—For the purposes of this section and section 186, a firm shall not be regarded as a genuine firm if any partner of the firm was, in relation to the whole or any part of his share in the income or property of the firm, at any time during the previous year, a *benamidar*—

- (a) of any other partner to whom the first-mentioned partner does not stand in the relationship of a spouse or minor child, or

- (b) of any person, not being a partner of the firm, and any of the other partners knew or had reason to believe that the first-mentioned partner was such *benamidar* and such knowledge or belief had not been communicated by such other partner to the Income-tax Officer in the prescribed manner."

52. *Amendment of section 189.*—In section 189 of the Income-tax Act, in sub-section (3), the following *Explanation* shall be inserted, namely:—

"*Explanation.*—The amount of tax referred to in this sub-section shall also include that part of the share of each partner in the income of the firm before its discontinuance or dissolution which the firm could have retained under sub-section (4) of section 182 but which has not been so retained."

53. *Amendment of section 221.*—In sub-section (1) of section 221 of the Income-tax Act, after the second proviso, the following *Explanation* shall be inserted, namely:—

"*Explanation.*—For the removal of doubt, it is hereby declared that an assessee shall not cease to be liable to any penalty under this sub-section merely by reason of the fact that before the levy of such penalty he has paid the tax."

54. *Amendment of section 222.*—In sub-section (1) of section 222 of the Income-tax Act, the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—For the purposes of this sub-section, the assessee's movable or immovable property shall include any property which has been transferred, directly or indirectly on or after the 1st day of June, 1973, by the assessee to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor



child, as the case may be, continue to be included in the assessee's movable or immovable property for recovering any arrears due from the assessee in respect of any period prior to such date."

55. *Amendment of section 223.*—In section 223 of the Income-tax Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Where an assessee has property within the jurisdiction of more than one Tax Recovery Officer and the Tax Recovery Officer to whom a certificate is sent by an Income-tax Officer—

(a) is not able to recover the entire amount by the sale of the property, movable or immovable, within his jurisdiction, or

(b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount under this Chapter, it is necessary so to do.

he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate certified in the prescribed manner and specifying the amount to be recovered to a Tax Recovery Officer within whose jurisdiction the assessee resides or has property, and thereupon that Tax Recovery Officer shall also proceed to recover the amount under this Chapter as if the certificate or the copy thereof, had been the certificate sent to him by the Income-tax Officer."

56. *Amendment of section 244.*—In section 244 of the Income-tax Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Where the whole or any part of the refund referred to in sub-section (1) is due to the assessee, as a result of any amount having been paid by him after the 31st day of March, 1975, in pursuance of any order of assessment or penalty and such amount or any part thereof having been found in appeal or other proceeding under this Act to be in excess of the amount which such assessee is liable to pay as tax or penalty, as the case may be, under this Act, the Central Government shall pay to such assessee simple interest at the rate specified in sub-section (1) on the amount so found to be in excess from the date on which such amount was paid to the date on which the refund is granted:

Provided that, where the amount so found to be in excess was paid in instalments, such interest shall be payable on the amount of each such instalment or any part of such instalment, which was in excess, from the date on which such instalment was paid to the date on which the refund is granted:

Provided further that no interest under this sub-section shall be payable for a period of one month from the date of the passing of the order in appeal or other proceeding:

Provided also that where any interest is payable to an assessee under this sub-section, no interest under sub-section (1) shall be payable to him in respect of the amount so found to be in excess."

57. *Insertion of new Chapter XIXA.*—After Chapter XIX of the Income-tax Act, the following Chapter shall be inserted, namely:—

## CHAPTER XIXA

### SETTLEMENT OF CASES

245A. *Definitions.* In this Chapter, unless the context otherwise requires,—

(a) "case" means any proceeding under the Indian Income-tax Act, 1922 (11 of 1922), or under this Act for or in connection with the assessment or re-assessment of any person in respect of any year or years which may be pending before an Income-tax authority on the date on which an application under sub-section (1) of section 245C is made;

(b) "Income-tax authority" means a Director of Inspection, a Commissioner, an Appellate Assistant Commissioner, an Inspecting Assistant Commissioner or an Income-tax Officer.

245B. *Income-tax Settlement Commission.*—(1) The Central Government shall constitute a commission to be called the Income-tax Settlement Commission (hereafter in this Chapter referred to as "the Settlement Commission") for the settlement of cases under this Chapter.

(2) The Settlement Commission shall consist of a Chairman and two other members and shall function within the Department of the Central Government dealing with direct taxes.

(3) The Chairman and other members of the Settlement Commission shall be appointed by the Central Government from amongst persons of integrity and outstanding ability, having special knowledge of, and experience in, problems relating to direct taxes and business accounts:

Provided that, where a member of the Board is appointed as the Chairman or as a member of the Settlement Commission, he shall cease to be a member of the Board:

Provided further that, until the members are appointed under this sub-section, it shall be competent for the Central Government to require, from time to time, any two members of the Board to serve as members of the Settlement Commission for such period as the Central Government thinks fit; in addition to their duties as members of the Board.

245C. *Application for settlement of cases.*—(1) An assessee may, at any stage of a case relating to him, make an application in such form and in such manner and containing such particulars as may be prescribed to the Settlement Commission to have the case settled and any such application shall be disposed of in the manner hereinafter provided.

(2) Every application made under sub-section (1) shall be accompanied by such fees as may be prescribed.

(3) An application made under sub-section (1) shall not be allowed to be withdrawn by the applicant.

245D. *Procedure on receipt of an application under section 245C.*—(1) On receipt of an application under section 245C, the Settlement Commission shall call for a report

from the Commissioner and on the basis of the materials contained in such report and having regard to the nature and circumstances of the case or the complexity of the investigation involved therein, the Settlement Commission may, by order, allow the application to be proceeded with or reject the application:

Provided that an application shall not be rejected under this sub-section unless an opportunity has been given to the applicant of being heard:

Provided further that an application shall not be proceeded with under this sub-section if the Commissioner objects to the application being proceeded with on the ground that concealment of particulars of income on the part of the applicant or perpetration of fraud by him for evading any tax or other sum chargeable or imposable under the Indian Income-tax Act, 1922 (11 of 1922), or under this Act, has been established or is likely to be established by any Income-tax authority, in relation to the case.

(2) A copy of every order under sub-section (1) shall be sent to the applicant and to the Commissioner.

(3) Where an application is allowed to be proceeded with under sub-section (1), the Settlement Commission may call for the relevant records from the Commissioner and after examination of such records, if the Settlement Commission is of the opinion that any further enquiry or investigation in the matter is necessary, it may direct the Commissioner to make or cause to be made such further enquiry or investigation and furnish a report on the matters covered by the application and any other matter relating to the case.

(4) After examination of the records and the report of the Commissioner, received under sub-section (1), and the report, if any, of the Commissioner received under sub-section (3), and after giving an opportunity to the applicant and to the Commissioner to be heard, either in person or through a representative duly authorised in this behalf, and after examining such further evidence as may be placed before it or obtained by it, the Settlement Commission may, in accordance with the provisions of this Act, pass such order as it thinks fit on the matters covered by the application and any other matter relating to the case not covered by the application, but referred to in the report of the Commissioner under sub-section (1) or sub-section (3).

(5) The materials brought on record before the Settlement Commission shall be considered by all the members thereof before passing any order under sub-section (4) and, in the case of a difference of opinion among the members, the opinion of the majority shall prevail and such order shall be expressed in terms of the views of the majority.

(6) Every order passed under sub-section (4) shall provide for the terms of settlement including any demand by way of tax, penalty or interest, the manner in which any sum due under the settlement shall be paid and all other matters to make the settlement effective and shall also provide that the settlement shall be void if it is subsequently found by the Settlement Commission that it has been obtained by fraud or misrepresentation of facts.

(7) Where a settlement becomes void as provided under sub-section (6), the proceedings with respect to the matters covered by the settlement shall be deemed to have

been revived from the stage at which the application was allowed to be proceeded with by the Settlement Commission and the Income-tax authority concerned, may, notwithstanding anything contained in any other provision of this Act, complete such proceedings at any time before the expiry of two years from the end of the financial year in which the settlement became void.

**245E. Power of Settlement Commission to reopen completed proceedings.**—If the Settlement Commission is of the opinion (the reasons for such opinion to be recorded by it in writing) that, for the proper disposal of the case pending before it, it is necessary or expedient to reopen any proceeding connected with the case but which has been completed under the Indian Income-tax Act, 1922 (11 of 1922), or under this Act by any Income-tax authority before the application under section 245C was made, it may, with the concurrence of the applicant, reopen such proceeding and pass such order thereon as it thinks fit, as if the case in relation to which the application for settlement had been made by the applicant under that section covered such proceeding also:

Provided that no proceeding shall be reopened by the Settlement Commission under this section after the expiry of a period of eight years from the end of the assessment year to which such proceeding relates.

**245F. Powers and procedure of Settlement Commission.**—(1) In addition to the powers conferred on the Settlement Commission under this Chapter, it shall have all the powers which are vested in an Income-tax authority under this Act.

(2) Where an application made under section 245C has been allowed to be proceeded with under section 245D, the Settlement Commission shall, until an order is passed under sub-section (4) of section 245D, have, subject to the provisions of sub-section (3) of that section, exclusive jurisdiction to exercise the powers and perform the functions of an Income-tax authority under this Act in relation to the case.

(3) Notwithstanding anything contained in sub-section (2) and in the absence of any express direction to the contrary by the Settlement Commission, nothing contained in this section shall affect the operation of any other provision of this Act requiring the applicant to pay tax on the basis of self-assessment or by way of advance tax in relation to the matters before the Settlement Commission.

(4) For the removal of doubt, it is hereby declared that, in the absence of any express direction by the Settlement Commission to the contrary, nothing in this Chapter shall affect the operation of the provisions of this Act in so far as they relate to any matters other than those before the Settlement Commission.

(5) The Settlement Commission shall, subject to the provisions of this Chapter, have power to regulate its own procedure (including the fixation of places and times of its meetings) and may act notwithstanding that all the members of the Settlement Commission are not present at any of its meetings.

**245G. Inspection, etc., of reports.**—No person shall be entitled to inspect, or obtain copies of, any reports made by any Income-tax authority to the Settlement Commission; but the Settlement Commission may, in its discretion, furnish copies thereof to any such person

on an application made to it in this behalf and on payment of the prescribed fee:

Provided that, for the purpose of enabling any person whose case is under consideration to rebut any evidence brought on record against him in any such report, the Settlement Commission shall, on an application made in this behalf, and on payment of the prescribed fee by such person, furnish him with a certified copy of any such report or part thereof relevant for the purpose.

**245H. Power of Settlement Commission to grant immunity from prosecution and penalty.**—(1) The Settlement Commission may, if it is satisfied that any person who made the application for settlement under section 245C has co-operated with the Settlement Commission in the proceedings before it and has made a full and true disclosure of his income and the manner in which such income has been derived, grant to such person, subject to such conditions as it may think fit to impose, immunity from prosecution for any offence under this Act or under the Indian Penal Code (45 of 1860), or under any other Central Act for the time being in force and also from the imposition of any penalty under this Act, with respect to the case covered by the settlement.

(2) An immunity granted to a person under sub-section (1) may, at any time, be withdrawn by the Settlement Commission, if it is satisfied that such person has not complied with the conditions subject to which the immunity was granted or that such person had, in the course of the settlement proceedings, concealed any particulars material to the settlement or had given false evidence, and thereupon such person may be tried for the offence with respect to which the immunity was granted or for any other offence of which he appears to have been guilty in connection with the settlement and shall also become liable to the imposition of any penalty under this Act to which such person would have been liable, had not such immunity been granted.

**245I. Order of settlement to be conclusive.**—Every order of settlement passed under sub-section (4) of section 245D shall be conclusive as to the matters stated therein and no matter covered by such order shall, save as otherwise provided in this Chapter, be reopened in any proceeding under this Act or under any other law for the time being in force.

**245J. Recovery of sums due under order of settlement.**—Any sum specified in an order of settlement passed under sub-section (4) of section 245D may, subject to such conditions, if any, as may be specified therein, be recovered, and any penalty for default in making payment of such sum may be imposed and recovered in accordance with the provisions of Chapter XVII, by the Income-tax Officer having jurisdiction over the person who made the application for settlement under section 245C.

**245K. Bar on subsequent application for settlement in certain cases.**—Where,—

- (i) an order of settlement passed under sub-section (4) of section 245D provides for the imposition of a penalty on the person who made the application under section 245C for settlement, on the ground of concealment of particulars of his income; or
- (ii) after the passing of an order of settlement under the said sub-section (4) in relation to a case,

such person is convicted of any offence under Chapter XXII in relation to that case,

then, he shall not be entitled to apply for settlement under section 245C in relation to any other matter.

**245L. Proceedings before Settlement Commission to be judicial proceedings.**—Any proceeding under this Chapter before the Settlement Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860).

**245M. Certain persons who have filed appeals to the Appellate Tribunal entitled to make applications to the Settlement Commission.**—(1) Notwithstanding anything contained in this Chapter, any assessee who has filed an appeal to the Appellate Tribunal under this Act which is pending before it shall, on withdrawing such appeal from the Appellate Tribunal, be entitled to make an application to the Settlement Commission to have his case settled under this Chapter:

Provided that no such assessee shall be entitled to make an application in a case where the Income-tax Officer has preferred an appeal under sub-section (2) of section 253 against the order to which the assessee's appeal relates.

(2) Any assessee referred to in sub-section (1) may make an application to the Appellate Tribunal for permission to withdraw the appeal.

(3) On receipt of an application under sub-section (2), the Appellate Tribunal shall grant permission to withdraw the appeal.

(4) Upon the withdrawal of the appeal, the proceeding in appeal immediately before such withdrawal shall, for the purposes of this Chapter, be deemed to be a proceeding pending before an Income-tax authority.

(5) An application to the Settlement Commission under this section shall be made within a period of thirty days from the date on which the order of the Appellate Tribunal permitting the withdrawal of the appeal is communicated to the assessee.

(6) An application made to the Settlement Commission under this section shall be deemed to be an application made under sub-section (1) of section 245C and the provisions of this Chapter [except sub-section (7) of section 245D] shall apply accordingly.

(7) Where an application made to the Settlement Commission under this section is not entertained by the Settlement Commission, then, the assessee shall not be deemed to have withdrawn the appeal from the Appellate Tribunal and the provisions contained in section 253, section 254 and section 255 shall, so far as may be, apply accordingly.

**58. Amendment of section 246.**—In section 246 of the Income-tax Act, in clause (o),—

(i) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iiiia) section 271A, or”;

(ii) after sub-clause (iv), the following sub-clause shall be inserted, namely:—

“(iva) section 272B, or”

59. *Amendment of section 249.*—In section 249 of the Income-tax Act,—

(i) in sub-section (2), for clause (b), the following clause shall be substituted, namely:—

“(b) where the appeal relates to any assessment or penalty, the date of service of the notice of demand relating to the assessment or penalty:

Provided that, where an application has been made under section 146 for reopening an assessment, the period from the date on which the application is made to the date on which the order passed on the application is served on the assessee shall be excluded, or”;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) No appeal under this Chapter shall be admitted unless at the time of filing of the appeal,—

(a) where a return has been filed by the assessee, the assessee has paid the tax due on the income returned by him; or

(b) where no return has been filed by the assessee, the assessee has paid an amount equal to the amount of advance tax which was payable by him:

Provided that, on an application made by the appellant in this behalf, the Appellate Assistant Commissioner may, for any good and sufficient reason to be recorded in writing, exempt him from the operation of the provisions of this sub-section.”

60. *Amendment of section 253.*—In section 253 of the Income-tax Act, in sub-section (1),—

(i) in clause (a), for the words and figures “or section 271”, the words, figures and letters, “section 271, section 271A or section 272A” shall be substituted;

(ii) in clause (b), for the words, brackets and figures “sub-section (2) of section 274”, the word, figures and letter “section 272A” shall be substituted;

(iii) in clause (c), after the words and figures “under section 263”, where they occur for the first time, the words, figures and letter “or under section 272A” shall be inserted.

61. *Amendment of section 271.*—In section 271 of the Income-tax Act,—

(i) in sub-section (1),—

(a) in clause (b), after the words, brackets and figures “sub-section (2) of section 143”, the words, brackets, figures and letter “or fails to comply with a direction issued under sub-section (2A) of section 142” shall be inserted;

(b) for clause (i) (excluding the *Explanation* thereto) the following clause shall be substituted, namely:—

“(i) in the case referred to in clause (a),—

(a) in the case of a person referred to in sub-section (4A) of section 139, where the total income in respect of which he is assessable as a representative assessee does not exceed the maximum amount which is not chargeable to income-tax, a sum not exceeding one per cent of the total income computed under this Act without giving effect to the provisions of sections 11 and 12, for each year or part thereof during which the default continued;

(b) in any other case, in addition to the amount of the tax, if any, payable by him, a sum equal to two per cent of the assessed tax for every month during which the default continued;”;

(c) for clause (iii) and the *Explanation*, the following clause and *Explanations* shall be substituted, namely:—

“(iii) in the cases referred to in clause (c), in addition to any tax payable by him, a sum which shall not be less than, but which shall not exceed twice, the amount of tax sought to be evaded by reason of the concealment of particulars of his income or the furnishing of inaccurate particulars of such income:

Provided that, if in a case falling under clause (c) the amount of income (as determined by the Income-tax Officer on assessment) in respect of which the particulars have been concealed or inaccurate particulars have been furnished exceeds a sum of twenty-five thousand rupees, the Income-tax Officer shall not issue any direction for payment by way of penalty without the previous approval of the Inspecting Assistant Commissioner.

*Explanation 1.*—Where in respect of any facts material to the computation of the total income of any person under this Act,—

(A) such person fails to offer an explanation or offers an explanation which is found by the Income-tax Officer or the Appellate Assistant Commissioner, to be false, or

(B) such person offers an explanation which he is not able to substantiate,

then, the amount added or disallowed in computing the total income of such person as a result thereof shall, for the purposes of clause (c) of this sub-section, be deemed to represent the income in respect of which particulars have been concealed:

Provided that nothing contained in this *Explanation* shall apply to a case referred to in clause (B) in respect of any amount added or disallowed as a result of the rejection of any explanation offered by such person, if such explanation is *bona fide* and all the facts relating to the



same and material to the computation of his total income have been disclosed by him.

**Explanation 2.**—Where the source of any receipt, deposit, outgoing or investment in any assessment year is claimed by any person to be an amount which had been added in computing the income or deducted in computing the loss in the assessment of such person for any earlier assessment year or years but in respect of which no penalty under clause (iii) of this sub-section had been levied, that part of the amount so added or deducted in such earlier assessment year immediately preceding the year in which the receipt, deposit outgoing or investment appears (such earlier assessment year hereafter in this *Explanation* referred to as the first preceding year) which is sufficient to cover the amount represented by such receipt, deposit or outgoing or value of such investment (such amount or value hereafter in this *Explanation* referred to as the utilised amount) shall be treated as the income of the assessee, particulars of which had been concealed or inaccurate particulars of which had been furnished for the first preceding year; and where the amount so added or deducted in the first preceding year is not sufficient to cover the utilised amount, that part of the amount so added or deducted in the year immediately preceding the first preceding year which is sufficient to cover such part of the utilised amount as is not so covered shall be treated to be the income of the assessee, particulars of which had been concealed or inaccurate particulars of which had been furnished for the year immediately preceding the first preceding year and so on, until the entire utilised amount is covered by the amounts so added or deducted in such earlier assessment years.

**Explanation 3.**—Where any person who has not previously been assessed under the Indian Income-tax Act, 1922 (11 of 1922), or under this Act, fails, without reasonable cause, to furnish within the period specified in sub-clause (iii) of clause (a) of sub-section (1) of section 153 a return of his income which he is required to furnish under section 139 in respect of any assessment year commencing on or after the 1st day of April, 1974, and, until the expiry of the period aforesaid, no notice has been issued to him under sub-section (2) of section 139 or section 148 and the Income-tax Officer or the Appellate Assistant Commissioner is satisfied that in respect of such assessment year such person has taxable income, then, such person shall, for the purposes of clause (c) of this sub-section, be deemed to have concealed the particulars of his income in respect of such assessment year, notwithstanding that such person furnishes a return of his income at any time after the expiry of the period aforesaid in pursuance of a notice under section 148.

**Explanation 4.**—For the purposes of clause (iii) of this sub-section, the expression “the amount of tax sought to be evaded”,—

- (a) in any case where the amount of income in respect of which particulars have been concealed or inaccurate particulars have been furnished exceeds the total income assessed, means the tax that would have been chargeable on the income in respect of which particulars have been concealed or inaccurate particulars have been furnished had such income been the total income;
- (b) in any case to which *Explanation 3* applies, means the tax on the total income assessed;
- (c) in any other case, means the difference between the tax on the total income assessed and the

tax that would have been chargeable had such total income been reduced by the amount of income in respect of which particulars have been concealed or inaccurate particulars have been furnished.”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where any penalty is imposable by virtue of *Explanation 2* to sub-section (1), proceedings for the imposition of such penalty may be initiated notwithstanding that any proceedings under this Act in the course of which such penalty proceedings could have been initiated under sub-section (1) have been completed.”;

(iii) in sub-section (3), after clause (c), the following clause and proviso shall be inserted, namely:—

“(d) the penalty imposed under clause (i) of sub-section (1) and the penalty imposed under clause (ii) of that sub-section, read with *Explanation 3* thereto, shall not exceed in the aggregate twice the amount of the tax sought to be evaded:

Provided that nothing contained in clause (a) or clause (b) shall apply to a case referred to in sub-clause (a) of clause (i) of sub-section (1).”;

(iv) sub-sections (4A) and (4B) shall be omitted.

**62. Insertion of new section 271A.**—After section 271 of the Income Tax Act, the following section shall be inserted, namely:—

“271A. *Failure to keep, maintain or retain books of account, documents, etc.*—Without prejudice to the provisions of section 271, if any person, without reasonable cause, fails to keep and maintain any such books of account and other documents as required by section 44AA or the rules made thereunder, in respect of any previous years or to retain such books of account and other documents for the period specified in the said rules, the Income-tax Officer or the Appellate Assistant Commissioner may direct that such person shall pay, by way of penalty, a sum which shall not be less than ten per cent but which shall not exceed fifty per cent of the amount of the tax, if any, which would have been avoided if the income returned by such person had been accepted as the correct income.”.

**63. Insertion of new sections 272A and 272B.**—After section 272 of the Income-tax Act, the following sections shall be inserted, namely:—

“272A. *Penalty for failure to answer questions, sign statements, allow inspections, etc.*—(1) If a person,—

- (a) being legally bound to state the truth of any matter touching the subject of his assessment, refuses to answer any question demanded of him by an Income-tax Officer or an Appellate Assistant Commissioner or an Inspecting Assistant Commissioner or a Commissioner in the exercise of his powers under this Act; or
- (b) refuses to sign any statement made by him in the course of any proceeding under this Act which an Income-tax Officer or an Appellate Assistant Commissioner or an Inspecting Assistant

Commissioner or a Commissioner may legally require him to sign.

he shall pay, by way of penalty, a sum which may extend to one thousand rupees.

(2) If a person, without reasonable cause or excuse, fails,—

- (a) to furnish in due time any of the returns or statements mentioned in section 133, section 206, section 285, section 285B or section 286; or
- (b) to allow inspection of any register referred to in section 134 or of any entry in such register or to allow copies of such register or of any entry therein to be taken; or
- (c) to furnish a certificate as required by section 203; or
- (d) to deduct and pay tax as required by sub-section (2) of section 226,

he shall pay, by way of penalty, a sum which may extend to ten rupees for every day during which the failure continues.

(3) Any penalty imposable under sub-section (1) or sub-section (2) shall be imposed,—

- (a) in a case where the contravention, failure or default in respect of which such penalty is imposable occurs in the course of any proceeding before the Commissioner or the Appellate Assistant Commissioner, by the Commissioner or, as the case may be, the Appellate Assistant Commissioner; and
- (b) in any other case, by the Inspecting Assistant Commissioner.

(4) No order under this section shall be passed by any officer referred to in sub-section (3) unless the person on whom the penalty is proposed to be imposed is given an opportunity of being heard in the matter by such officer.

272B. *Penalty for failure to comply with the provisions of section 139A.*—(1) If a person, without reasonable cause, fails to comply with the provisions of section 139A, he shall, on an order passed by the Income-tax Officer, pay, by way of penalty, a sum which may extend to five hundred rupees.

(2) No order under sub-section (1) shall be passed unless the person on whom the penalty is proposed to be imposed is given an opportunity of being heard in the matter.”

64. *Insertion of new section 273A.*—After section 273 of the Income-tax Act, the following section shall be inserted, namely:—

“273A. *Power to reduce or waive penalty, etc., in certain cases.*—(1) Notwithstanding anything contained in this Act, the Commissioner may, in his discretion, whether on his own motion or otherwise,—

- (i) reduce or waive the amount of penalty imposed or imposable on a person under clause (i) of sub-section (1) of section 271 for failure, without reasonable cause, to furnish the return of total income which he was required to furnish under sub-section (1) of section 139; or
- (ii) reduce or waive the amount of penalty imposed or imposable on a person under clause (iii) of sub-section (1) of section 271; or
- (iii) reduce or waive the amount of interest paid or payable under sub-section (8) of section 139 or section 215 or section 217 or the penalty imposed or imposable under section 273,

if he is satisfied that such person—

- (a) in the case referred to in clause (i), has, prior to the issue of a notice to him under sub-section (2) of section 139, voluntarily and in good faith, made full and true disclosure of his income;
- (b) in the case referred to in clause (ii), has, prior to the detection by the Income-tax Officer, of the concealment of particulars of income or of the inaccuracy of particulars furnished in respect of such income, voluntarily and in good faith, made full and true disclosure of such particulars;
- (c) in the cases referred to in clause (iii), has, prior to the issue of a notice to him under sub-section (2) of section 139, or where no such notice has been issued and the period for the issue of such notice has expired, prior to the issue of notice to him under section 148, voluntarily and in good faith made full and true disclosure of his income and has paid the tax on the income so disclosed,

and also has, in all the cases referred to in clauses (a), (b) and (c), co-operated in any enquiry relating to the assessment of his income and has either paid or made satisfactory arrangements for the payment of any tax or interest payable in consequence of an order passed under this Act in respect of the relevant assessment year.

*Explanation.*—For the purposes of this sub-section, a person shall be deemed to have made full and true disclosure of his income or of the particulars relating thereto in any case where the excess of income assessed over the income returned is of such a nature as not to attract the provisions of clause (c) of sub-section (1) of section 271.

(2) Notwithstanding anything contained in sub-section (1),—

- (a) if in a case the penalty imposed or imposable under clause (i) of sub-section (1) of section 271 or the minimum penalty imposable under section 273, for the relevant assessment year, or, where such disclosure relates to more than one assessment year, the aggregate of the penalty imposed or imposable under the said clause or of the minimum penalty imposable under the said section for those years, exceeds a sum of fifty thousand rupees, or
- (b) if in a case falling under clause (c) of sub-section (1) of section 271, the amount of income in respect of which the penalty is imposed or imposable for the relevant assessment year, or, where such disclosure relates to more than one assessment year, the aggregate amount of such income for those years, exceeds a sum of five hundred thousand rupees,

no order reducing or waiving the penalty under sub-section (1) shall be made by the Commissioner except with the previous approval of the Board.

(3) Where an order has been made under sub-section (1) in favour of any person, whether such order relates to one or more assessment years, he shall not be entitled to any relief under this section in relation to any other assessment year at any time after the making of such order.

(4) Without prejudice to the powers conferred on him by any other provision of this Act, the Commissioner may, on an application made in this behalf by an assessee and after recording his reasons for so doing, reduce or waive the amount of any penalty payable by the

assessee under this Act or stay or compound any proceeding for the recovery of any such amount, if he is satisfied that—

- (i) to do otherwise would cause genuine hardship to the assessee, having regard to the circumstances of the case; and
- (ii) the assessee has co-operated in any enquiry relating to the assessment or any proceeding for the recovery of any amount due from him.

(5) Every order made under this section shall be final and shall not be called into question by any court or any other authority.”

65. *Amendment of section 274.*—In section 274 of the Income-tax Act, sub-section (2) shall be omitted.

66. *Amendment of section 275.*—In section 275 of the Income-tax Act, the *Explanation*, the following *Explanation* shall be substituted, namely:—

“*Explanation.*—In computing the period of limitation for the purposes of this section,—

- (i) the time taken in giving an opportunity to the assessee to be re-heard under the proviso to section 129;
- (ii) any period during which the immunity granted under section 245H remained in force; and
- (iii) any period during which a proceeding under this Chapter for the levy of penalty is stayed an order or injunction of any court,

shall be excluded.”

67. *Omission of section 276.*—Section 276 of the Income-tax Act shall be omitted.

68. *Substitution of new sections for sections 276B and 276C.*—For sections 276B and 276C of the Income-tax Act, the following sections shall be substituted, namely:—

“276B. *Failure to deduct or pay tax.*—If a person, without reasonable cause or excuse, fails to deduct or after deducting, fails to pay the tax as required by or under the provisions of sub-section (9) of section 80E or Chapter XVII-B, he shall be punishable,—

- (i) in a case where the amount of tax which he has failed to deduct or pay exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;
- (ii) in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

276C. *Wilful attempt to evade tax, etc.*—(1) If a person wilfully attempts in any manner whatsoever to evade any tax, penalty or interest chargeable or imposable under this Act, he shall, without prejudice to any penalty that may be imposable on him under any other provision of this Act, be punishable,—

- (i) in a case where the amount sought to be evaded exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;
- (ii) in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

(2) If a person wilfully attempts in any manner whatsoever to evade the payment of any tax, penalty or interest under this Act, he shall, without prejudice to any penalty that may be imposable on him under any other provision of this Act, be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and shall, in the discretion of the court, also be liable to fine.

*Explanation.*—For the purposes of this section, a wilful attempt to evade any tax, penalty or interest chargeable or imposable under this Act or the payment thereof shall include a case where any person—

- (i) has in his possession or control any books of account or other documents (being books of account or other documents relevant to any proceeding under this Act) containing a false entry or statement; or
- (ii) makes or causes to be made any false entry or statement in such books of account or other documents; or
- (iii) wilfully omits or causes to be omitted any relevant entry or statement in such books of account or other documents; or
- (iv) causes any other circumstances to exist which will have the effect of enabling such person to evade any tax, penalty or interest chargeable or imposable under this Act or the payment thereof.

276CC. *Failure to furnish returns of income.*—If a person wilfully fails to furnish in due time the return of income which he is required to furnish under sub-section (1) of section 139 or by notice given under sub-section (2) of section 139 or section 148, he shall be punishable,—

- (i) in a case where the amount of tax, which would have been evaded if the failure had not been discovered, exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;
- (ii) in any other case, with imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

Provided that a person shall not be proceeded against under this section for failure to furnish in due time the return of income under sub-section (1) of section 139—

- (i) for any assessment year commencing prior to the 1st day of April, 1975; or
- (ii) for any assessment year commencing on or after the 1st day of April, 1975, if—
  - (a) the return is furnished by him before the expiry of the assessment year; or
  - (b) the tax payable by him on the total income determined on regular assessment, as reduced by the advance tax, if any, paid, and any tax deducted at source, does not exceed three thousand rupees.”

69. *Amendment of section 276D.*—In section 276D of the Income-tax Act, after the words “such accounts and documents as are referred to in the notice”, the words, brackets, figure and letter “or wilfully fails to comply with a direction issued to him under sub-section (2A) of that section” shall be inserted.

70. *Substitution of new sections for sections 277 and 278.*—For sections 277 and 278 of the Income-tax Act, the following sections shall be substituted, namely:—

277. *False statement in verification, etc.*—If a person makes a statement in any verification under this Act or under any rule made thereunder, or delivers an account or statement which is false, and which he either knows or believes to be false, or does not believe to be true, he shall be punishable.—

(i) in a case where the amount of tax, which would have been evaded if the statement or account had been accepted as true, exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(ii) in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

278. *Abetment of false return, etc.*—If a person abets or induces in any manner another person to make and deliver an account or a statement or declaration relating to any income chargeable to tax which is false and which he either knows to be false or does not believe to be true or to commit an offence under sub-section (1) of section 276C, he shall be punishable,—

(i) in a case where the amount of tax, penalty or interest which would have been evaded, if the declaration, account or statement had been accepted as true, or which is wilfully attempted to be evaded, exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(ii) in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

278A. *Punishment for second and subsequent offences.*—If any person convicted of an offence under section 276B or sub-section (1) of section 276C or section 276CC or section 277 or section 278 is again convicted of an offence under any of the aforesaid provisions, he shall be punishable for the second and for every subsequent offence with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine.

278B. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section—  
(a) “company” means a body corporate, and includes—

(i) a firm; and

(ii) an association of persons or a body of individuals whether incorporated or not; and

(b) “director”, in relation to—

(i) a firm, means a partner in the firm;

(ii) any association of persons or a body of individuals, means any member controlling the affairs thereof.

278C. *Offences by Hindu undivided families.*—(1) Where an offence under this Act has been committed by a Hindu undivided family, the *Karta* thereof shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the *Karta* liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Hindu undivided family and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any member of the Hindu undivided family, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

278D. *Presumption as to assets, books of account, etc., in certain cases.*—(1) Where during the course of any search made under section 132, any money, bullion, jewellery or other valuable article or thing (hereafter in this section referred to as the assets) or any books of account or other documents has or have been found in the possession or control of any person and such assets or books of account or other documents are tendered by the prosecution in evidence against such person or against such person and the person referred to in section 278 for an offence under this Act, the provisions of sub-section (4A) of section 132 shall, so far as may be, apply in relation to such assets or books of account or other documents.

(2) Where any assets or books of account or other documents, taken into custody, from the possession or control of any person, by the officer or authority referred to in clause (a) or clause (b) or clause (c), as the case may be, of sub-section (1) of section 132A are delivered to the requisitioning officer under sub-section (2) of that section and such assets, books of account or other documents are tendered by the prosecution in evidence against such person or against such person and the person referred to in section 278 for an offence under this Act, the provisions of sub-section (4A) of section 132 shall, so far as may be, apply in relation to such assets or books of account or other documents.

71. *Amendment of section 279.*—In section 279 of the Income-tax Act,—

(i) for sub-sections (1) and (1A), the following sub-sections shall be substituted, namely:—

“(1) A person shall not be proceeded against for an offence under section 275A, section 276A, section 276B, section 276C, section 276CC,



section 276D, section 277, section 278 or section 278A except at the instance of the Commissioner.

(1A) A person shall not be proceeded against for an offence under section 276C or section 277 in relation to the assessment for an assessment year in respect of which the penalty imposed or imposed on him under clause (iii) of sub-section (1) of section 271 has been reduced or waived by an order under section 273A.”;

(ii) in sub-section (3), for the words, brackets, figures and letter “under sub-section (4A) of section 271”, the words, figures and letter “under section 273A” shall be substituted.

72. *Insertion of new section 279A.*—After section 279 of the Income-tax Act, the following section shall be inserted, namely:—

“279A. *Certain offences to be non-cognizable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under section 276B or section 276C or section 276CC or section 277 or section 278 shall be deemed to be non-cognizable within the meaning of that Code.”.

73. *Substitution of new section for section 281.*—For section 281 of the Income-tax Act, the following section shall be substituted, namely:—

‘281. *Certain transfers to be void.*—(1) Where, during the pendency of any proceeding under this Act or after the completion thereof, but before the service of notice under rule 2 of the Second Schedule, any assessee creates a charge on, or parts with the possession (by way of sale, mortgage, gift, exchange or any other mode of transfer whatsoever) of, any of his assets in favour of any other person, such charge or transfer shall be void as against any claim in respect of any tax or any other sum payable by the assessee as a result of the completion of the said proceeding or otherwise:

Provided that such charge or transfer shall not be void if it is made—

- (i) for adequate consideration and without notice of the pendency of such proceeding or, as the case may be, without notice of such tax or other sum payable by the assessee; or
- (ii) with the previous permission of the Income-tax Officer.

(2) This section applies to cases where the amount of tax or other sum payable or likely to be payable exceeds five thousand rupees and the assets charged or transferred exceed ten thousand rupees in value.

*Explanation.*—In this section, “assets” means land, building, machinery, plant, shares, securities and fixed deposits in banks, to the extent to which any of the assets aforesaid does not form part of the stock in trade of the business of the assessee.”.

74. *Insertion of new section 281B.*—After section 281A of the Income-tax Act, the following section shall be inserted, namely:—

“281B. *Provisional attachment to protect revenue in certain cases.*—(1) Where, during the pendency of any

proceeding for the assessment of any income or for the assessment or re-assessment of any income which has escaped assessment, the Income-tax Officer is of the opinion that for the purpose of protecting the interests of the revenue it is necessary so to do, he may, with the previous approval of the Commissioner, by order in writing, attach provisionally any property belonging to the assessee in the manner provided in the Second Schedule.

(2) Every such provisional attachment shall cease to have effect after the expiry of a period of six months from the date of the order made under sub-section (1):

Provided that the Commissioner may, for reasons to be recorded in writing, extend the aforesaid period by such further period or periods as he thinks fit, so however, that the total period of extension shall not in any case exceed two years.”.

75. *Amendment of section 285A.*—In section 285A of the Income-tax Act, in sub-section (1), for the words “for the construction of a building for, or the supply of goods or services in connection therewith to, any other person, the value of which exceeds fifty thousand rupees”, the following shall be substituted, namely:—

“with another person for carrying out any work or for the supply of goods or services in connection therewith, the value of which work or supply or both exceeds fifty thousand rupees.”.

76. *Insertion of new section 285B.*—After section 285A of the Income-tax Act, the following section shall be inserted, namely:—

“285B. *Submission of statements by producers of cinematograph films.*—Any person carrying on the production of a cinematograph film during the whole or any part of any financial year shall, in respect of the period during which such production is carried on by him in such financial year, prepare and deliver or cause to be delivered to the Income-tax Officer, within thirty days from the end of such financial year or within thirty days from the date of the completion of the production of the film, whichever is earlier, a statement in the prescribed form containing particulars of all payments of over five thousand rupees in the aggregate made by him or due from him to each such person as is engaged by him in such production as employee or otherwise.”.

77. *Amendment of section 287.*—In section 287 of the Income-tax Act,—

- (i) in sub-section (1), after the word “proceedings”, the words “or prosecutions” shall be inserted;
- (ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) No publication under this section shall be made in relation to any penalty imposed under this Act until the time for presenting an appeal to the Appellate Assistant Commissioner has expired without an appeal having been presented or the appeal, if presented, has been disposed of.”.

78. *Insertion of new sections 292A and 292B.*—After section 292 of the Income-tax Act, the following sections shall be inserted, namely:—

“292A. *Section 360 of the Code of Criminal Procedure 1973 and the Probation of Offenders Act, 1958 not to apply.*—

Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974), or in the Probation of Offenders Act, 1958 (20 of 1958), shall apply to a person convicted of an offence under this Act unless that person is under eighteen years of age.

292B. *Returns of income, etc., not be invalid on certain grounds.*—No return of income, assessment, notice, summons or other proceeding furnished or made or issued or taken or purported to have been furnished or made or issued or taken in pursuance of any of the provisions of this Act shall be invalid or shall be deemed to be invalid merely by reason of any mistake, defect or omission in such return of income, assessment, notice, summons or other proceeding if such return of income, assessment, notice, summons or other proceeding is in substance and effect in conformity with or according to the intent and purpose of this Act.”

79. *Amendment of section 295.*—In sub-section (2) of section 295 of the Income-tax Act,—

(i) after clause (dd), the following clause shall be inserted, namely:—

“(dda) the matters specified in sub-sections (2) and (3) of section 44AA;”;

(ii) after clause (e), the following clauses shall be inserted, namely:—

“(ee) the conditions or limitations subject to which any payment of rent made by an assessee shall be deducted under section 80GG;

(eea) the cases, the nature and value of assets, the limits and heads of expenditure and the outgoings, which are required to be prescribed under sub-section (6) of section 139;

(eeb) the time within which any person may apply for the allotment of a permanent account number, the form and the manner in which such application may be made and the particulars which such application shall contain and the transactions with respect to which permanent account numbers shall be quoted on documents relating to such transactions under section 139A;

(eec) the form of the report of audit and the particulars which such report shall contain under sub-section (2A) of section 142;”;

(iii) after clause (mm), the following clause shall be inserted, namely:—

“(mma) the form in which the statement under section 285B shall be delivered to the Income-tax Officer;”

80. *Substitution of new section for section 296.*—For section 296 of the Income-tax Act, the following section shall be substituted, namely:—

“296. *Rules and certain notifications to be placed before Parliament.*—The Central Government shall cause every rule made under this Act and every notification issued under sub-clause (iv) of clause (23C) of section 10 to be laid as soon as may be after the rule is made or the notification is issued before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and, if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses

agree that the rule or notification should not be made or issued, that rule or notification shall thereafter have effect, only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.”

81. *Amendment of Second Schedule.*—In the Second Schedule to the Income-tax Act,—

(i) rule 19A shall be re-numbered as sub-rule (2) thereof, and before that sub-rule as so re-numbered, the following sub-rule shall be inserted, namely:—

“(1) A Tax Recovery Officer, being a Gazetted Officer of the Central Government who is authorised to exercise the powers of a Tax Recovery Officer under this Act, may interest any of this functions as Tax Recovery Officer to any other officer lower than him in rank (not being lower in rank than an Inspector of Income-tax) and such officer shall, in relation to the functions entrusted to him, be deemed to be a Tax Recovery Officer:

Provided that where the Tax Recovery Officer is an Income-tax Officer any entrustment under this sub-rule shall be made only with the approval of the Inspecting Assistant Commissioner.”;

(ii) in rule 53, in clause (c), the word “and” occurring at the end shall be omitted, and after that clause, the following clause shall be inserted, namely:—

“(cc) the reserve price, if any, below which the property may not be sold; and”;

(iii) to rule 56, the following proviso shall be added, namely:—

“Provided that no sale under this rule shall be made if the amount bid by the highest bidder is less than the reserve price, if any, specified under clause (cc) of rule 53.”;

(iv) rule 59 shall be re-numbered as sub-rule (2) thereof, and before that sub-rule as so re-numbered, the following sub-rule shall be inserted, namely:—

“(1) Where the sale of a property, for which a reserve price has been specified under clause (cc) of rule 53, has been postponed for want of a bid of an amount not less than such reserve price, it shall be lawful for an Income-tax Officer, if so authorised by the Commissioner in this behalf, to bid for the property on behalf of the Central Government at any subsequent sale.”;

(v) in Part III, after rule 68, the following rule shall be inserted, namely:—

“68A. *Acceptance of property in satisfaction of amount due from the defaulter.*—(1) Without prejudice to the provisions contained in this Part, an Income-tax Officer, duly authorised, by the Commissioner in this behalf, may accept in satisfaction of the whole or any part of the amount due from the defaulter the property, the sale of which has been postponed for the reason mentioned in sub-rule (1) of rule 59, at such price as may be agreed upon between the Income-tax Officer and the defaulter.

(2) Where any property is accepted under sub-rule (1), the defaulter shall deliver possession of such property to the Income-tax Officer and on the date the possession of the property is delivered to the Income-tax Officer, the

property shall vest in the Central Government and the Central Government shall, where necessary, intimate the concerned Registering Officer appointed under the Registration Act, 1908 (16 of 1908), accordingly.

(3) Where the price of the property agreed upon under sub-rule (1) exceeds the amount due from the defaulter, such excess shall be paid by the Income-tax Officer to the defaulter within a period of three months from the date of delivery of possession of the property and where the Income-tax Officer fails to pay such excess within the period aforesaid, the Central Government shall, for the period commencing on the expiry of such period and ending with the date of payment of the amount remaining unpaid, pay simple interest at twelve per cent per annum to the defaulter on such amount.”;

(vi) in rule 73,—

(i) after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(3A) A warrant of arrest issued by a Tax Recovery Officer under sub-rule (2) or sub-rule (3) may also be executed by any other Tax Recovery Officer within whose jurisdiction the defaulter may for the time being be found.”;

(ii) in sub-rule (4),—

(a) for the words, brackets and figures “sub-rule (2) or sub-rule (3)”, the words “this rule” shall be substituted, and after the words “Tax Recovery Officer”, the words “issuing the warrant” shall be inserted;

(b) after the proviso, the following *Explanation* shall be inserted, namely:—

“*Explanation*.—For the purposes of this rule, where the defaulter is a Hindu undivided family, the *Karta* thereof shall be deemed to be the defaulter.”.

### CHAPTER III

#### AMENDMENTS TO THE WEALTH-TAX ACT, 1957

82. *Amendment of section 4*.—In section 4 of the Wealth-tax Act, 1957 (27 of 1957) (hereafter in this Chapter referred to as the Wealth-tax Act),—

(i) in clause (a) of sub-section (1),—

(a) in sub-clause (iii), after the words “by the individual”, the words “, directly or indirectly,” shall be inserted;

(b) in sub-clause (iv), the word “or” shall be inserted at the end and after that sub-clause, the following sub-clause shall be inserted, namely:—

“(v) by the son’s, wife, or the son’s minor child, of such individual, to whom such assets have been transferred by the individual, directly or indirectly, on or after the 1st day of June, 1973, otherwise than for adequate consideration.”;

(ii) in sub-section (1A),—

(a) in clause (b), the words “, in so far as it is attributable to the interest of the individual in the property of the family,” shall be omitted;

(b) for clause (c), the following clause shall be substituted, namely:—

“(c) where the converted property has been the subject-matter of a partition (whether partial or total) amongst the members of the family, the converted property or any part thereof which

is received by the spouse or minor child of the individual on such partition shall be deemed to be assets transferred indirectly by the individual to the spouse or minor child and the provisions of sub-section (1) shall, so far as may be, apply accordingly.”;

(iii) after sub-section (5), the following sub-section shall be inserted, namely:—

“(5A) Where a gift of money from one person to another is made by means of entries in the books of account maintained by the person making the gift or by an individual or a Hindu undivided family or a firm or an association of persons or body of individuals with whom or which he has business or other relationship, the value of such gift shall be liable to be included in computing the net wealth of the person making the gift unless he proves to the satisfaction of the Wealth-tax Officer that the money has actually been delivered to the other person at the time the entries were made.”;

(iv) in the *Explanation*,—

(a) after clause (a), the following clause shall be inserted, namely:—

“(aa) the expression “child” includes a step-child and an adopted child.”;

(b) in clause (b), the word “and” shall be inserted at the end;

(c) in clause (c), the word “and” occurring at the end shall be omitted;

(d) clause (d) shall be omitted.

83. *Amendment of section 5*.—In sub-section (1) of section 5 of the Wealth-tax Act, in clause (v), for the proviso, the following proviso shall be substituted, namely:—

“Provided that they are held by him in his own right as the inventor or author of such patent or copyright, as the case may be, and have not been assigned to, or acquired by, him under a contract or by way of inheritance or otherwise.”.

84. *Amendment of section 8*.—In section 8 of the Wealth-tax Act, in the proviso, for the portion beginning with the words “and perform such functions” and ending with the words “work to be performed”, the following shall be substituted, namely:—

“and shall perform their functions in respect of such individual, Hindu undivided family or company, as the case may be, in accordance with such general or special orders in writing as the Commissioner or the Inspecting Assistant Commissioner authorised by the Commissioner in this behalf may make for the purpose of facilitating the performance of such functions”.

85. *Insertion of new section 8AA*.—After section 8A of the Wealth-tax Act, the following section shall be inserted, namely:—

“8AA. *Concurrent jurisdiction of Inspecting Assistant*.—

(1) The Commissioner may, by general or special order in writing, direct that all or any of the powers or functions conferred on or assigned to the Wealth-tax Officer or Wealth-tax Officers by or under this Act in respect of any area, or cases or classes of cases, or persons or classes of persons, shall be exercised or performed concurrently by the Inspecting Assistant Commissioner.

(2) *Commissioner and Wealth-tax Officer.*—Where under sub-section (1), an Inspecting Assistant Commissioner exercises concurrent jurisdiction with one or more Wealth-tax Offices in respect of any area, cases or classes of cases, or persons or classes of persons, the Wealth-tax Officer or Wealth-tax Officers shall exercise the powers and perform the functions under this Act in relation thereto as the Inspecting Assistant Commissioner may direct.

(3) Without prejudice to the generality of the provisions contained in sub-section (2) of section 13, every Wealth-tax Officer shall also observe and follow such instructions as may be issued to him for his guidance by the Inspecting Assistant Commissioner within whose jurisdiction he performs his functions in relation to any particular proceeding or the initiation of any proceeding under this Act:

Provided that no instructions which are prejudicial to the assessee shall be issued before an opportunity is given by the Inspecting Assistant Commissioner to the assessee to be heard.

*Explanation.*—For the purposes of this sub-section, no instruction as to the lines on which an investigation connected with the assessment should be made shall be deemed to be an instruction prejudicial to the assessee.

(4) Where an order is made under sub-section (1) and the Inspecting Assistant Commissioner exercises the powers or performs the functions of a Wealth-tax Officer in respect of any case or person or proceeding, references in this Act or in any rule made thereunder to the Wealth-tax Officer and the Appellate Assistant Commissioner shall be construed as references to the Inspecting Assistant Commissioner and the Commissioner respectively and, accordingly,—

- (i) any provisions of this Act requiring approval or sanction of the Inspecting Assistant Commissioner shall not apply;
- (ii) any appeal which would otherwise have lain to the appellate Assistant Commissioner shall lie to the Commissioner;
- (iii) any appeal which would have lain from an order of the Appellate Assistant Commissioner to the Appellate Tribunal shall lie from the order of the Commissioner."

86. *Amendment of section 8B.*—In section 8B of the Wealth-tax Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Commissioner may, after giving the assessee a reasonable opportunity of being heard in the matter, wherever it is possible to do so, and after recording his reasons for doing so, transfer any case from one or more of the following officers subordinate to him, namely:—

- (a) any Wealth-tax Officer or Wealth-tax Officers;
- (b) any Wealth-tax Officer or Wealth-tax Officers having concurrent jurisdiction with the Inspecting Assistant Commissioner,

to any other Wealth-tax Officer or Wealth-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) also subordinate to him and the Board may similarly transfer any case from—

- (i) any Wealth-tax Officer or Wealth-tax Officers, or
- (ii) any Wealth-tax Officer or Wealth-tax Officers having concurrent jurisdiction with the Inspecting Assistant Commissioner,

to any other Wealth-tax Officer or Wealth-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner):

Provided that nothing in this sub-section shall be deemed to require any such opportunity to be given where a transfer is from any Wealth-tax Officer or Wealth-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) to any other Wealth-tax Officer or Wealth-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) and the offices of all such officers are situated in the same city, locality or place:

Provided further that—

- (a) where any case has been transferred from any Wealth-tax Officer or Wealth-tax Officers to two or more Wealth-tax Officers, the Wealth-tax Officers to whom the case is so transferred shall have concurrent jurisdiction over such case and shall perform their functions in accordance with such general or special orders in writing as the Board or the Commissioner or the Inspecting Assistant Commissioner authorised by the Commissioner in this behalf, may make for the purpose of facilitating the performance of such functions;
- (b) where any case has been transferred from any Wealth-tax Officer or Wealth-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) to two or more Wealth-tax Officers with concurrent jurisdiction with the Inspecting Assistant Commissioner, the officers (including the Inspecting Assistant Commissioner) to whom the case is so transferred shall have concurrent jurisdiction over such case and shall perform their functions in accordance with such general or special orders in writing as the Board or the Commissioner may make for the purpose of facilitating the performance of such functions and the Wealth-tax Officers shall perform their functions also in accordance with such orders or directions as the Inspecting Assistant Commissioner may make under section 8 or as the case may be, under sub-section (2) of section 8AA."

87. *Amendment of section 11B.*—In section 11B of the Wealth-tax Act, after clause (b), the following clause shall be inserted namely:—

"(c) in a case where two or more Wealth-tax Officers have concurrent jurisdiction over such assessee in respect of such function be the Wealth-tax Officers empowered to perform such function by the Board or, as the case may be, the Wealth-tax Officers to whom such function has been assigned by an order of the Commissioner or by an order or a direction of the Inspecting Assistant Commissioner under section 8 or, as the case may be, under sub-section (2) of section 8AA."

88. *Amendment of section 15A.*—In section 15A of the Wealth-tax Act, for clause (c), the following clause shall be substituted, namely:—

"(c) in the case of a company, by the managing director thereof, or where for any unavoidable reason such managing director is not able to sign and verify the return or where there is no managing director, by any director thereof."



**89. Amendment of section 15B.**—In section 15B of the Wealth-tax Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Where any tax is payable on the basis of any return required to be furnished under section 14 or section 15 or section 17, after taking into account the amount of tax, if any, already paid under any provision of this Act, the assessee shall be liable to pay such tax before furnishing the return and the return shall be accompanied by proof of payment of such tax.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If any assessee fails to pay the tax or any part thereof in accordance with the provisions of sub-section (1), the Wealth-tax Officer may direct that a sum equal to two per cent of such tax or part thereof, as the case may be, shall be recovered from him by way of penalty for every month during which the default continues:

Provided that before levying any such penalty, the assessee shall be given a reasonable opportunity of being heard.”.

**90. Insertion of new section 17A.**—After section 17 of the Wealth-tax Act, the following section shall be inserted, namely:—

“17A. *Time-limit for completion of assessment and reassessment.*—(1) No order of assessment shall be made under section 16 at any time after the expiration of a period of—

(a) four years commencing on and from the 1st day of April, 1975 or one year from the date of the filing of a return or a revised return under section 15, whichever is later, where the assessment year is an assessment year commencing before that date;

(b) four years from the end of the assessment year in which the net wealth was first assessable, or one year from the date of the filing of a return or a revised return under section 15, whichever is later, where the assessment year is an assessment year commencing on or after the 1st day of April, 1975.

(2) No order of assessment or re-assessment shall be made under section 17,—

(a) where any proceeding for an assessment or re-assessment is pending on the 1st day of April, 1975, at any time after the expiration of a period of four years commencing on and from that date;

(b) where the assessment or re-assessment is to be made in a case falling within clause (a) of sub-section (1) of section 17 for which a notice has been served under that sub-section on or after the 1st day of April, 1975, at any time after the expiration of a period of four years from the end of the assessment year in which such notice was served;

(c) where the assessment or re-assessment is to be made in a case falling within clause (b) of sub-section (1) of section 17 for which a notice has been served under that sub-section on or after the 1st day of April, 1975, after the expiration of a period of—

(i) four years from the end of the assessment year in which the net wealth was first assessable, or  
(ii) one year from the date of service of such notice, whichever period expires later.

(3) Notwithstanding anything contained in sub-sections (1) and (2), an order of fresh assessment in pursuance of an order passed on or after the 1st day of April, 1975, under section 23, section 24 or section 25, setting aside or cancelling an assessment, may be made at any time before the expiry of four years from the end of the financial year in which the order under section 23 or section 24 is received by the Commissioner or, as the case may be, the order under section 25 is passed by the Commissioner.

(4) The provisions of sub-sections (1) and (2) shall not apply to the assessment or re-assessment made on the assessee or any other person in consequence of, or to give effect to, any finding or direction contained in an order under section 23, section 24, section 25, section 27 or section 29 or in an order of any court in a proceeding otherwise than by way of appeal or reference under this Act, and such assessment or re-assessment, may, subject to the provisions of sub-section (3), be completed at any time.

*Explanation 1.*—In computing the period of limitation for the purposes of this section—

(i) the time taken in re-opening the whole or any part of the proceeding or in giving an opportunity to the assessee to be re-heard under the proviso to section 39, or

(ii) the period during which the assessment proceeding is stayed by an order or injunction of any court, or

(iii) in a case where an application made before the Wealth-tax Settlement Commission under section 22C is rejected by it or is not allowed to be proceeded with by it, the period commencing from the date on which such application is made and ending with the date on which the order under sub-section (1) of section 22D is received by the Commissioner under sub-section (2) of that section,

shall be excluded.

*Explanation 2.*—Where, by an order referred to in sub-section (4), any asset is excluded from the net wealth of one person and held to be the asset of another person, then, an assessment in respect of such asset on such other person shall, for the purposes of sub-section (2) of section 17 and this section, be deemed to be one made in consequence of, or to give effect to, any finding or direction contained in the said order, provided such other person was given an opportunity of being heard before the said order was passed.”.

**91. Amendment of section 18.**—In section 18 of the Wealth-tax Act,—

(i) in sub-section (1), for clauses (i), (ii), (iii) and the

*Explanations, the following clauses and Explanations shall be substituted, namely:—*

- (i) in the cases referred to in clause (a), in addition to the amount of wealth-tax, if any, payable by him, a sum equal to two per cent of the assessed tax for every month during which the default continued.

*Explanation.*—In this clause, “assessed tax” means the wealth-tax chargeable under the provisions of this Act;

- (ii) in the cases referred to in clause (b), in addition to the amount of wealth-tax payable by him, a sum which shall not be less than ten per cent, but which shall not exceed fifty per cent of the amount of the wealth-tax, if any, which would have been avoided if the net wealth returned by such person had been accepted as the correct net wealth;

- (iii) in the cases referred to in clause (c), in addition to any Wealth-tax payable by him, a sum which shall not be less than, but which shall not exceed five times, the amount of tax sought to be evaded by reason of the concealment of particulars of any assets or the furnishing of inaccurate particulars in respect of any assets or debts.

*Explanation 1.*—For the purposes of clause (iii) of this sub-section, the expression “the amount of tax sought to be evaded” —

(a) in a case to which *Explanation 3* applies, means the tax on the net wealth assessed;

(b) in any other case, means the difference between the tax on the net wealth assessed and the tax that would have been chargeable had the net wealth assessed been reduced by the amount which represents the value of any assets in respect of which particulars have been concealed or inaccurate particulars have been furnished and of any debts in respect of which inaccurate particulars have been furnished.

*Explanation 2.*—Where in respect of any facts material to the computation of the net wealth of any person under this Act, —

(A) such person fails to offer an explanation or offers an explanation which is found by the Wealth-tax Officer or the Appellate Assistant Commissioner to be false, or

(B) such person offers an explanation which he is not able to substantiate,

then, the amount added or disallowed in computing the net wealth of such person as a result thereof shall, for the purposes of clause (c) of this sub-section, be deemed to represent the value of the assets in respect of which particulars have been concealed:

Provided that nothing contained in this *Explanation* shall apply to a case referred to in clause (B) in respect of any amount added or disallowed as a result of the rejection of any explanation offered by such person, if such explanation is *bona fide* and all the facts relating to the same and material to the computation of his net wealth have been disclosed by him.

*Explanation 3.*—Where any person who has not previously been assessed under this Act fails, without reasonable cause, to furnish within the period specified in clause (a) or, as the case may be, clause (b) of sub-section (1) of section 17A, a return of his net wealth which he is required to furnish under section 14 in respect of any assessment year and, until the expiry of either of the periods applicable to him, no notice had been issued to him under sub-section (2) of section 14 or sub-section (1) of section 17 and the Wealth-tax Officer or the Appellate Assistant Commissioner is satisfied that in respect of such assessment year such person has assessable net wealth, then, such person shall, for the purposes of clause (c) of this sub-section, be deemed to have concealed the particulars of his assets or furnished inaccurate particulars of any assets or debts in respect of such assessment year, notwithstanding that such person furnishes a return of his net wealth at any time after the expiry of either of the periods aforesaid applicable to him in pursuance of a notice under section 17.

*Explanation 4.*—Where the value of any asset returned by any person is less than seventy per cent of the value of such asset as determined in an assessment under section 16 or section 17, such person shall be deemed to have furnished inaccurate particulars of such asset within the meaning of clause (c) of this sub-section, unless he proves that the value of the asset as returned by him is the correct value;

(ii) sub-section (1A) shall be omitted;

(iii) sub-sections (2A) and (2B) shall be omitted;

(iv) for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) Notwithstanding anything contained in clause (iii) of sub-section (1), if, in a case falling under clause (c) of that sub-section, the amount (as determined by the Wealth-tax Officer on assessment) in respect of which penalty is imposable under clause (c) aforesaid exceeds a sum of twenty-five thousand rupees, the Wealth-tax Officer shall not issue any direction under sub-section (1) for payment by way of penalty without the previous approval of the Inspecting Assistant Commissioner.

(3A) Notwithstanding anything contained in this section, the penalty imposed under clause (iii) of sub-section (1) read with *Explanation 3* to that sub-section and the penalty imposed under clause (i) of that sub-section shall not exceed, in the aggregate, five times the amount of the tax sought to be evaded.”;

(v) for the *Explanation* below sub-section (5), the following *Explanation* shall be substituted, namely:—

“*Explanation.*—In computing the period of limitation for the purposes of this section,—

(i) any period during which the immunity granted under section 22H remained in force;

(ii) the time taken in giving an opportunity to the assessee to be re-heard under the proviso to section 39; and

(iii) any period during which a proceeding under this section for the levy of penalty is stayed by an order or injunction of any court,

shall be excluded.”.

92. *Insertion of new sections 18A and 18B.*—In Chapter IV of the Wealth-tax Act, after section 18, the following sections shall be inserted, namely:—

“18A. *Penalty for failure to answer questions, sign statements, allow inspections, etc.*—(1) if a person,—

- (a) being legally bound to state the truth of any matter touching the subject of his assessment, refuses to answer any question demanded of him by a Wealth-tax Officer or an Appellate Assistant Commissioner or an Inspecting Assistant Commissioner or a Commissioner, in the exercise of his powers under this Act; or
- (b) refuses to sign any statement made by him in the course of any proceeding under this Act which a Wealth-tax Officer or an Appellate Assistant Commissioner or an Inspecting Assistant Commissioner or a Commissioner may legally require him to sign,

he shall pay, by way of penalty, a sum which may extend to one thousand rupees.

(2) If a person, without reasonable cause, fails to furnish in due time such statement or information which such person is bound to furnish to the Wealth-tax Officer under section 38, he shall pay, by way of penalty, a sum which may extend to ten rupees for every day during which the failure continues.

(3) No order shall be made under this section except by an Appellate Assistant Commissioner or an Inspecting Assistant Commissioner or a Commissioner, and where a contravention, failure or default for which any penalty is imposed under this section occurs in the course of any proceeding before a Wealth-tax Officer, the Wealth-tax Officer shall refer the case to the Inspecting Assistant Commissioner for passing such orders as he deems fit.

(4) No order under this section shall be passed by any officer referred to in sub-section (3), unless the person on whom the penalty is proposed to be imposed is given an opportunity of being heard in the matter by such officer.

18B. *Power to reduce or waive penalty in certain cases.*—(1) Notwithstanding anything contained in this Act, the Commissioner may, in his discretion, whether on his own motion or otherwise,—

- (i) reduce or waive the amount of penalty imposed or imposed on a person under clause (i) of sub-section (1) of section 18 for failure without reasonable cause to furnish the return of net wealth which such person was required to furnish under sub-section (1) of section 14; or
- (ii) reduce or waive the amount of penalty imposed or imposed on a person under clause (iii) of sub-section (1) of section 18,

if he is satisfied that such person,—

- (a) in the case referred to in clause (i), has, prior to the issue of a notice to him under sub-section (2) of section 14, voluntarily and in good faith, made full and true disclosure of his net wealth, and
- (b) in the case referred to in clause (ii), has, prior to the detection by the Wealth-tax Officer, of the concealment of particulars of assets or of the

inaccuracy of particulars furnished in respect of any asset or debt in respect of which the penalty is imposed, voluntarily and in good faith made full and true disclosure of such particulars,

and also has co-operated in any inquiry relating to the assessment of his net wealth and has either paid or made satisfactory arrangements for the payment of any tax or interest payable in consequence of an order passed under this Act in respect of the relevant assessment year.

*Explanation.*—For the purposes of this sub-section, a person shall be deemed to have made full and true disclosure of the particulars of his assets or debts in any case where the excess of net wealth assessed over the net wealth returned is of such a nature as not to attract the provisions of clause (c) of sub-section (1) of section 18.

(2) Notwithstanding anything contained in sub-section (1), if in a case falling under clause (c) of sub-section (1) of section 18, the net wealth in respect of which the penalty is imposed or imposed for the relevant assessment year, or, where such disclosure relates to more than one assessment year, the net wealth for any one of the relevant assessment years, exceeds five hundred thousand rupees, no order reducing or waiving the penalty under sub-section (1) shall be made by the Commissioner, except with the previous approval of the Board.

(3) Where an order has been made under sub-section (1) in favour of any person, whether such order relates to one or more assessment years, he shall not be entitled to any relief under this section in relation to any other assessment year at any time after the making of such order.

(4) Without prejudice to the powers conferred on him by any other provision of this Act, the Commissioner may, on an application made in this behalf by an assessee, and after recording his reasons for so doing, reduce or waive the amount of any penalty payable by the assessee under this Act or stay or compound any proceeding for the recovery of any such amount, if he is satisfied that—

- (i) to do otherwise would cause genuine hardship to the assessee, having regard to the circumstances of the case, and
- (ii) the assessee has co-operated in any inquiry relating to the assessment or any proceeding for the recovery of any amount due from him.

(5) Every order made under this section shall be final and shall not be called into question by any court or any other authority.

93. *Insertion of new Chapter VA.*—After Chapter V of the Wealth-tax Act, the following Chapter shall be inserted, namely:—

## ‘CHAPTER VA

### SETTLEMENT OF CASES

22A. *Definitions.*—In this Chapter, unless the context otherwise requires,—

- (a) “case” means any proceeding under this Act for or in connection with the assessment or re-assessment of any person in respect of any year or years

which may be pending before a Wealth-tax authority on the date on which an application referred to in section 22C is made;

- (b) "Wealth-tax authority" means a Director of Inspection, a Commissioner, an Appellate Assistant Commissioner, an Inspecting Assistant Commissioner or a Wealth-tax Officer.

**22B. Wealth-tax Settlement Commission.**—(1) The Central Government shall constitute a Commission to be called the Wealth-tax Settlement Commission (hereafter in this Chapter referred to as "the Settlement Commission") for the settlement of cases under this Chapter.

(2) The Settlement Commission shall consist of a Chairman and two other members and shall function within the Department of the Central Government dealing with direct taxes.

(3) The Chairman and other members of the Settlement Commission shall be appointed by the Central Government from amongst persons of integrity and outstanding ability, having special knowledge of, and experience in, problems relating to direct taxes and business accounts:

Provided that, where a member of the Board is appointed as the Chairman or as a member of the Settlement Commission, he shall cease to be a member of the Board:

Provided further that, until the members are appointed under this sub-section, it shall be competent for the Central Government to require, from time to time, any two members of the Board to serve as members of the Settlement Commission for such period as the Central Government thinks fit, in addition to their duties as members of the Board.

**22C. Application for settlement of cases.**—(1) An assessee may, at any stage of a case relating to him, make an application in such form and in such manner and containing such particulars as may be prescribed to the Settlement Commission to have the case settled and any such application shall be disposed of in the manner hereinafter provided.

(2) Every application made under sub-section (1) shall be accompanied by such fees as may be prescribed.

(3) An application made under sub-section (1) shall not be allowed to be withdrawn by the applicant.

**22D. Procedure on receipt of an application under section 22C.**—(1) On receipt of an application under section 22C, the Settlement Commission shall call for a report from the Commissioner and on the basis of the materials contained in such report and having regard to the nature and circumstances of the case or the complexity of the investigation involved therein, the Settlement Commission may, by order, allow the application to be proceeded with or reject the application:

Provided that an application shall not be rejected under this sub-section unless an opportunity has been given to the applicant of being heard:

Provided further that an application shall not be proceeded with under this sub-section if the Commissioner objects to the application being proceeded with on the ground that concealment of particulars of the

net wealth on the part of the applicant or perpetration of fraud by him for evading any tax or other sum chargeable or imposable under this Act has been established or is likely to be established by any Wealth-tax authority, in relation to the case.

(2) A copy of every order under sub-section (1) shall be sent to the applicant and to the Commissioner.

(3) Where an application is allowed to be proceeded with under sub-section (1), the Settlement Commission may call for the relevant records from the Commissioner and after examination of such records, if the Settlement Commission is of the opinion that any further enquiry or investigation in the matter is necessary, it may direct the Commissioner to make or cause to be made, such further enquiry or investigation and furnish a report on the matters covered by the application and any other matter relating to the case.

(4) After examination of the records and the report of the Commissioner received under sub-section (1) and the report, if any, of the Commissioner received under sub-section (3), and after giving an opportunity to the applicant and to the Commissioner to be heard, either in person or through a representative duly authorised in this behalf, and after examining such further evidence as may be placed before it or obtained by it, the Settlement Commission may, in accordance with the provisions of this Act, pass such order as it thinks fit on the matters covered by the application and any other matter relating to the case not covered by the application but referred to in the report of the Commissioner under sub-section (1) or sub-section (3).

(5) The materials brought on record before the Settlement Commission shall be considered by all the members thereof before passing any order under sub-section (4) and, in the case of a difference of opinion among the members, the opinion of the majority shall prevail and such order shall be expressed in terms of the views of the majority.

(6) Every order passed under sub-section (4) shall provide for the terms of settlement including any demand by way of tax, penalty or interest, the manner in which any sum due under the settlement shall be paid and all other matters to make the settlement effective and shall also provide that the settlement shall be void if it is subsequently found by the Settlement Commission that it has been obtained by fraud or misrepresentation of facts.

(7) Where a settlement becomes void as provided in sub-section (6), the proceedings with respect to the matters covered by the settlement shall be deemed to have been revived from the stage at which the application was allowed to be proceeded with by the Settlement Commission and the Wealth-tax authority concerned, may, notwithstanding anything contained in any other provision of this Act, complete such proceedings at any time before the expiry of two years from the end of the financial year in which the settlement became void.

**22E. Power of Settlement Commission to reopen completed proceedings.**—If the Settlement Commission is of the opinion (the reasons for such opinion to be recorded by it in writing) that, for the proper disposal of the case pending before it, it is necessary or expedient to re-open any proceeding connected with the case, but which has been completed under this Act by any Wealth-



tax authority before the application under section 22C was made, it may, with the concurrence of the applicant, re-open such proceeding and pass such order thereon as it thinks fit as if the case in relation to which the application for settlement had been made by the applicant under that section covered such proceeding also:

Provided that no proceeding shall be re-opened by the Settlement Commission under this section after the expiry of a period of eight years from the end of the assessment year to which such proceeding relates.

**22F. Powers and procedure of Settlement Commission.**—(1) In addition to the powers conferred on the Settlement Commission under this Chapter, it shall have all the powers which are vested in a Wealth-tax authority under this Act.

(2) Where an application made under section 22C has been allowed to be proceeded with under section 22D, the Settlement Commission shall, until an order is passed under sub-section (4) of section 22D, have, subject to the provisions of sub-section (3) of that section, exclusive jurisdiction to exercise the powers and perform the functions of a Wealth-tax authority under this Act in relation to the case.

(3) Notwithstanding anything contained in sub-section (2) and in the absence of any express direction to the contrary by the Settlement Commission, nothing contained in this section shall affect the operation of any other provision of this Act requiring the applicant to pay tax on the basis of self-assessment in relation to the matters before the Settlement Commission.

(4) For the removal of doubt it is hereby declared that in the absence of any express direction by the Settlement Commission to the contrary, nothing in this Chapter shall affect the operation of the provisions of this Act in so far as they relate to any matters other than those before the Settlement Commission.

(5) The Settlement Commission shall, subject to the provisions of this Chapter, have power to regulate its own procedure (including the fixation of places and times of its meetings) and may act notwithstanding that all the members of the Settlement Commission are not present at any of its meetings.

**22G. Inspection etc., of reports.**—No person shall be entitled to inspect, or obtain copies of, any reports made by any Wealth-tax authority to the Settlement Commission; but the Settlement Commission may, in its discretion, furnish copies thereof to any such person on an application made to it in this behalf and on payment of the prescribed fee:

Provided that, for the purpose of enabling any person whose case is under consideration to rebut any evidence brought on the record against him in any such report, the Settlement Commission shall, on an application made in this behalf and on payment of the prescribed fee by such person, furnish him with a certified copy of any such report or part thereof relevant for the purpose.

**22H. Powers of Settlement Commission to grant immunity from prosecution.**—(1) The Settlement Commission may, if it is satisfied that any person who made the application for settlement under section 22C has co-operated with the Settlement Commission in the proceedings before it and has made a full and true disclosure of his net wealth and the manner in which such wealth has been acquired, grant to such person, subject to such conditions as it may think fit to impose, immunity from prosecution for any offence under this

Act or under the Indian Penal Code (45 of 1860) or under any other Central Act for the time being in force and also from the imposition of any penalty under this Act, with respect to the case covered by the settlement.

(2) An immunity granted to a person under sub-section (1) may, at any time, be withdrawn by the Settlement Commission, if it is satisfied that such person has not complied with the conditions subject to which the immunity was granted or that such person had, in the course of the settlement proceedings, concealed any particulars material to the settlement or had given false evidence, and thereupon such person may be tried for the offence with respect to which the immunity was granted or for any other offence of which he appears to have been guilty in connection with the settlement and shall also become liable to the imposition of any penalty under this Act to which such person would have been liable, had no such immunity been granted.

**22I. Order of settlement to be conclusive.**—Every order of settlement passed under sub-section (4) of section 22D shall be conclusive as to the matters stated therein and no matter covered by such order shall, save as otherwise provided in this Chapter, be re-opened in any proceeding under this Act or under any other law for the time being in force.

**22J. Recovery of sums due under order of settlement.**—Any sum specified in an order of settlement passed under sub-section (4) of section 22D may, subject to such conditions, if any, as may be specified therein, be recovered, and any penalty for default in making payment of such sum may be imposed and recovered in accordance with the provisions of section 32 by the Wealth-tax Officer having jurisdiction over the person who made the application for settlement under section 22C.

**22K. Bar on subsequent application for settlement in certain cases.**—Where—

- (i) an order of settlement passed under sub-section (4) of section 22D provides for the imposition of a penalty on the person who made the application under section 22C for settlement, on the ground of concealment of particulars of his net wealth; or
- (ii) after the passing of an order of settlement under the said sub-section (4) in relation to a case, such person is convicted of any offence under Chapter VIII in relation to that case,

then, he shall not be entitled to apply for settlement under section 22C in relation to any other matter.

**22L. Proceedings before Settlement Commission to be judicial proceedings.**—Any proceeding under this Chapter before the Settlement Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860).

**22M. Certain persons who have filed appeals to the Appellate Tribunal entitled to make applications to the Settlement Commission.**—(1) Notwithstanding anything contained in this Chapter, any assessee who has filed an appeal to the Appellate Tribunal under this Act which is pending before it shall, on withdrawing such appeal from the Appellate Tribunal, be entitled to make an application to the Settlement Commission to have his case settled under this Chapter:

Provided that no such assessee shall be entitled to make an application in a case where the Wealth-tax

Officer has preferred an appeal under sub-section (2) of section 24 against the order to which the assessee's appeal relates.

(2) Any assessee referred to in sub-section (1) may make an application to the Appellate Tribunal for permission to withdraw the appeal.

(3) On receipt of an application under sub-section (2), the Appellate Tribunal shall grant permission to withdraw the appeal.

(4) Upon the withdrawal of the appeal, the proceeding in appeal immediately before such withdrawal shall, for the purposes of this Chapter, be deemed to be a proceeding pending before a Wealth-tax authority.

(5) An application to the Settlement Commission under this section shall be made within a period of thirty days from the date on which the order of the Appellate Tribunal permitting the withdrawal of the appeal is communicate to the assessee.

(6) An application made to the Settlement Commission under this section shall be deemed to be an application made under sub-section (1) of section 22C and the provisions of this Chapter [except sub-section (7) of section 22D] shall apply accordingly.

(7) Where an application made to the Settlement Commission under this section is not entertained by the Settlement Commission, then, the assessee shall not be deemed to have withdrawn the appeal from the Appellate Tribunal and the provisions contained in section 24 and section 26 shall, so far as may be, apply accordingly.

94. *Amendment of section 23.*—In section 23 of the Wealth-tax Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Where a return has been filed by an assessee, no appeal under this section shall be admitted unless at the time of filing of the appeal he has paid the tax due on the net wealth returned by him:

Provided that, on an application made by the appellant in this behalf, the Appellate Assistant Commissioner may, for any good and sufficient reason to be recorded in writing, exempt him from the operation of the provision of this sub-section.”

95. *Amendment of section 24.*—In section 24 of the Wealth-tax Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) An assessee objecting to an order passed by the Appellate Assistant Commissioner under section 18 or section 18A or section 23 or sub-section (2) of section 37, or to an order passed by the Inspecting Assistant Commissioner under section 18A, may appeal to the Appellate Tribunal within sixty days of the date on which the order is communicated to him.”

96. *Amendment of section 26.*—In sub-section (1) of section 26 of the Wealth-tax Act, after the word and figures “section 18”, the words, figures and letter “or section 18A” shall be inserted.

97. *Amendment of section 34A.* In section 34A of the Wealth-tax Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Where the whole or any part of the refund referred to in sub-section (3) is due to the assessee

as a result of any amount having been paid by him after the 31st day of March, 1975 in pursuance of any order of assessment or penalty and such amount or any part thereof having been found in appeal or other proceeding under this Act to be in excess of the amount which such assessee is liable to pay as tax or penalty, as the case may be, under this Act, the Central Government shall pay to such assessee simple interest at the rate specified in sub-section (3) on the amount so found to be in excess from the date on which such amount was paid to the date on which the refund is granted:

Provided that, where the amount so found to be in excess was paid in instalments, such interest shall be payable on the amount of each such instalment or any part of such instalment, which was in excess, from the date on which such instalment was paid to the date on which the refund is granted:

Provided further that no interest under this sub-section shall be payable for a period of one month from the date of the passing of the order in appeal or other proceeding:

Provided also that, where any interest is payable to an assessee under this sub-section, no interest under sub-section (3) shall be payable to him in respect of the amount so found to be in excess.”

98. *Substitution of new sections for section 34B.*—For section 34B of the Wealth-tax Act, the following sections shall be substituted, namely:—

“34B. *Transfers to defraud revenue to be void.*—(1) Where, during the pendency of any proceeding under this Act or after the completion thereof, but before the service of notice under rule 2 of the Second Schedule to the Income-tax Act as made applicable to this Act by section 32, any assessee creates a charge on, or parts with (by way of sale, mortgage, gift, exchange or any other mode of transfer whatsoever) the possession of, any of his assets in favour of any other person, such charge or transfer shall be void as against any claim in respect of any tax or any other sum payable by the assessee as a result of the completion of the said proceeding or otherwise:

Provided that such charge or transfer shall not be void, if it is made—

- (i) for adequate consideration and without notice of the pendency of such proceeding or, as the case may be, without notice of such tax or other sum payable by the assessee; or
- (ii) with the previous permission of the Wealth-tax Officer.

(2) This section applies to cases where the amount of tax or other sum payable or likely to be payable exceeds five thousand rupees and the assets charged or transferred exceed ten thousand rupees in value.

*Explanation.*—In this section, “assets” means land, building, machinery, plant, shares, securities and fixed deposits in banks to the extent to which any of the assets aforesaid does not form part of the stock in trade of the business of the assessee.

34C. *Provisional attachment to protect revenue in certain cases.* (1) Where, during the pendency of any proceeding for the assessment of net wealth or for the assessment or re-assessment of net wealth which has escaped assessment, the Wealth-tax Officer is of the opinion that for the purpose of protecting the interests of

the revenue it is necessary so to do, he may, with the previous approval of the Commissioner, by order in writing, attach provisionally any property belonging to the assessee in the manner provided in the Second Schedule to the Income-tax Act as made applicable to this Act by section 32.

(2) Every such provisional attachment shall cease to have effect after the expiry of a period of six months from the date of the order made under sub-section (1):

Provided that the Commissioner may, for reasons to be recorded in writing, extend the aforesaid period by such further period or periods as he thinks fit, so however, that the total period of extension shall not in any case exceed two years.

**99. Amendment of section 35.**—In sub-section (1) of section 35 of the Wealth-tax Act, clause (c) shall be omitted.

**100. Insertion of new sections 35A to 35N.**—After section 35 of the Wealth-tax Act, the following sections shall be inserted, namely:—

**“35A. Wilful attempt to evade tax, etc.**—(1) If a person wilfully attempts in any manner whatsoever to evade any tax, penalty or interest chargeable or imposable under this Act, he shall, without prejudice to any penalty that may be imposable on him under any other provision of this Act, be punishable,—

(i) in a case where the amount sought to be evaded exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(ii) in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

(2) If a person wilfully attempts in any manner whatsoever to evade the payment of any tax, penalty or interest under this Act, he shall, without prejudice to any penalty that may be imposable on him under any other provision of this Act, be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and shall, in the discretion of the court, also be liable to fine.

**Explanation.**—For the purpose of this section, a wilful attempt to evade any tax, penalty or interest chargeable or imposable under this Act or the payment thereof shall include a case where any person—

(a) has in his possession or control any books of account or other documents (being books of account or other documents relevant to any proceeding under this Act) containing a false entry or statement, or

(b) makes, or causes to be made, any false entry or statement in such books of account or other documents, or

(c) wilfully omits, or causes to be omitted, any relevant entry or statement in such books of account or other documents, or

(d) causes any other circumstance to exist which will have the effect of enabling such person to evade any tax, penalty or interest chargeable or imposable under this Act or the payment thereof.

**35B. Failure to furnish returns of net wealth.**—If a person wilfully fails to furnish in due time the return of his net wealth which he is required to furnish under sub-section (1) of section 14 or by notice given under sub-section (2) of section 14 or under sub-section (1) of section 17, he shall be punishable,—

(i) in a case where the amount of tax, which would have been evaded if the failure had not been discovered, exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(ii) in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine:

Provided that a person shall not be proceeded against under this section for failure to furnish in due time the return of net wealth under sub-section (1) of section 14—

(i) for any assessment year commencing prior to the 1st day of April, 1975; or

(ii) for any assessment year commencing on or after the 1st day of April, 1975, if—

(a) the return is furnished by him before the expiry of the assessment year; or

(b) the tax payable by him on his net wealth determined on regular assessment does not exceed three thousand rupees.

**35C. Failure to produce accounts, records, etc.**—If a person wilfully fails to produce, or cause to be produced, on or before the date specified in any notice under sub-section (4) of section 16, such accounts, records and documents as are referred to in the notice, he shall be punishable with rigorous imprisonment for a term which may extend to one year or with fine equal to a sum calculated at a rate which shall not be less than four rupees or more than ten rupees for every day during which the default continues, or with both.

**35D. False statement in verification etc. made under certain provisions of the Act.**—If a person makes a statement in any verification under this Act (other than under section 34AB) or under any rule made thereunder, or delivers an account or statement which is false, and which he either knows or believes to be false, or does not believe to be true, he shall be punishable,

(i) in a case where the amount of tax which would have been evaded if the statement or account had been accepted as true, exceeds one hundred thousand rupees with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(ii) in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

**35E. False statement in verification mentioned in section 34AB.**—If a person makes a statement in a verification mentioned in section 34AB which is false, and which he either knows or believes to be false, or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

**35F. Abetment of false return, etc.**—If a person abets or induces in any manner another person to make and deliver an account, statement or declaration relating to any net wealth chargeable to tax which is false and which he either knows to be false or does not believe to be true or to commit an offence under sub-section (1) of section 35A, he shall be punishable,—

(i) in a case where the amount of tax, penalty or interest, which would have been evaded, if the declaration, account or statement had been accepted as true, or which is wilfully attempted to be evaded, exceeds one hundred thousand rupees,

with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

- (ii) in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

**35G. Punishment for second and subsequent offences.**—If any person convicted of an offence under sub-section (1) of section 35A or section 35B or section 35D or section 35F is again convicted of an offence under any of the aforesaid provisions, he shall be punishable for the second and for every subsequent offence with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine.

**35H. Offences by Hindu undivided families.**—(1) Where an offence under this Act has been committed by a Hindu undivided family, the *Karta* thereof shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the *Karta* liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Hindu undivided family and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any member thereof, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**35I. Prosecutions to be at the instance of Commissioner and power of Commissioner to compound offences.**—(1) A person shall not be proceeded against for an offence under this Act except at the instance of the Commissioner.

(2) The Commissioner may, either before or after the institution of proceedings, compound any offence under this Act.

**35J. Certain offences to be non-cognizable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under section 35A or section 35B or section 35D or section 35F shall be deemed to be non-cognizable within the meaning of that Code.

**35K. Bar on prosecutions and on inadmissibility of evidence in certain circumstances.**—(1) A person shall not be proceeded against for an offence under section 35A or section 35D in relation to the assessment for an assessment year in respect of which the penalty imposed or imposable on him under clause (iii) of sub-section (1) of section 18 has been reduced or waived by an order under section 18B.

(2) Where any proceeding for prosecution has been taken against any person under this Act, any statement made or account or other document produced by such person before any of the wealth-tax authorities specified in sections 8, 9, 10, 10A and 11 shall not be inadmissible as evidence for the purpose of such proceedings merely on the ground that such statement was made or such account or other document was produced in the belief that the penalty imposable would be reduced or waived under section 18B or that the offence in respect of which such proceeding was taken would be compounded.

**35L. Jurisdiction of courts.**—No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.

**35M. Section 360 of the Code of Criminal Procedure, 1973 and the Probation of Offenders Act, 1958, not to apply.**—Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974), or in the Probation of Offenders Act, 1958 (20 of 1958), shall apply to a person convicted of an offence under this Act unless that person is under eighteen years of age.

**35N. Presumption as to books of account, etc., in certain cases.**—(1) Where during the course of any search made under section 37A any books of account or other documents, articles or things including money have been found in the possession or control of any person and such books of account or other documents are tendered or such articles or things including money are relied upon, by the prosecution in evidence against such person or against such person and the person referred to in section 35F for an offence under this Act, the provisions of sub-section (5) of section 37A shall, so far as may be, apply in relation to such books of account or other documents, articles or things including money.

(2) Where—

- (i) any books of account or other documents taken into custody from the possession or control of any person by any officer or authority under clause (a) or clause (b) of sub-section (1) of section 37B, are delivered to the requisitioning officer under sub-section (2) of that section; or
- (ii) any note or inventory of any articles or things including money taken into custody, from the possession of any person, by any officer or authority under clause (c) of sub-section (1) of section 37B, is furnished to the requisitioning officer under sub-section (2) of that section,

and such books of account or other documents are tendered, or such note or inventory is relied upon, by the prosecution in evidence against such person or against such person and the person referred to in section 35F for an offence under this Act, the provisions of sub-section (5) of section 37A shall, so far as may be, apply in relation to such books of account or other documents or, as the case may be, the articles or things including money, covered by such note or inventory."

**101. Omission of section 36.**—Section 36 of the Wealth-tax Act shall be omitted.

**102. Substitution of new sections for section 37A.**—For section 37A of the Wealth-tax Act, the following sections shall be substituted, namely:—

**37A. Power of search and seizure.**—(1) Where the Director of Inspection or the Commissioner or any such Deputy Director of Inspection or Inspecting Assistant Commissioner as may be empowered in this behalf by the Board, in consequence of information in his possession, has reason to believe that—

- (a) any person to whom a notice under sub-section (4) of section 16 or a summons under section 37 was issued to produce, or cause to be produced, any books of account or other documents, has omitted or failed to produce or cause to be produced, such books of account or other documents as required by such notice or summons, or



(b) any person to whom a notice or summons as aforesaid has been or might be issued will not, or would not, produce, or cause to be produced, any books of account or other documents which will be useful for, or relevant to, any proceeding under this Act, or

(c) any person is in possession of any articles or things including money disproportionate to his known assets, particulars of which will be useful for, or relevant to, any proceeding under this Act,

then,—

(A) the Director of Inspection or the Commissioner, as the case may be, may authorise any Deputy Director of Inspection, Inspecting Assistant Commissioner, Assistant Director of Inspection or Wealth-tax Officer, or

(B) such Deputy Director of Inspection or Inspecting Assistant Commissioner may authorise any Assistant Director of Inspection or Wealth-tax Officer,

(the officer so authorised in all cases being hereafter in this section referred to as the authorised officer) to—

(i) enter and search any building, place, vessel, vehicle or aircraft where he has reason to suspect that such books of account or other documents, articles or things including money are kept;

(ii) search any person who has got out of, or is about to get into, or is in, the building, place, vessel, vehicle or aircraft, if the authorised officer has reason to suspect that such person has secreted about his person any such books of account or other documents, articles or things including money;

(iii) break open the lock of any door, box, locker, safe, almirah or other receptacle for exercising the powers conferred by clause (i) where the keys thereof are not available;

(iv) seize any such books of account or other documents;

(v) place marks of identification on any such books of account or other documents or make, or cause to be made, extracts or copies therefrom;

(vi) make a notice or an inventory of any articles or things including money found which, in his opinion, will be useful for, or relevant to, any proceeding under this Act:

Provided that where any building, place, vessel, vehicle or aircraft referred to in clause (i) is within the area of jurisdiction of any Commissioner but such Commissioner has no jurisdiction over the person referred to in clause (a) or clause (b) or clause (c) of this sub-section, then, notwithstanding anything contained in section 10, it shall be competent for him to exercise the powers under this sub-section in all cases where he has reason to believe that any delay in getting the authorisation from the Commissioner having jurisdiction over such person may be prejudicial to the interests of the revenue.

(2) Where any Commissioner, in consequence of information in his possession, has reason to suspect that any books of account or other documents, articles or things including money in respect of which an officer has been authorised by the Director of Inspection or any other Commissioner or any such Deputy Director of Inspection or Inspecting Assistant Commissioner as may be empowered in this behalf by the Board to take

action under clauses (i) to (vi) of sub-section (1) are kept in any building, place, vessel, vehicle or aircraft not mentioned in the authorisation under sub-section (1), such Commissioner may, notwithstanding anything contained in section 10, authorise the said officer to take action under any of the clauses aforesaid in respect of such building, place, vessel, vehicle or aircraft.

(3) The authorised officer may requisition the services of any police officer or of any officer of the Central Government, or of both to assist him for all or any of the purposes specified in sub-section (1) or sub-section (2) and it shall be the duty of every such officer to comply with such requisition.

(4) The authorised officer may, during the course of the search or seizure, examine on oath any person who is found to be in possession or control of any books of account or other documents, articles or things including money and any statement made by such person; during such examination may thereafter be used in evidence in any proceeding under this Act.

(5) Where any books of account or other documents, articles or things including money are found in the possession or control of any person in the course of a search, it may be presumed that—

(i) such books of account or other documents, articles or things including money belong to such person;

(ii) the contents of such books of account or other documents are true; and

(iii) the signature and every other part of such books of account or other documents which purport to be in the handwriting of any particular person or which may reasonably be assumed to have been signed by, or to be in the handwriting of, any particular person, are in that person's handwriting, and in the case of a document stamped, executed or attested, that it was duly stamped and executed or attested by the person by whom it purports to have been so executed or attested.

(6) The books of account or other documents seized under sub-section (1) or sub-section (2) shall not be retained by the authorised officer for a period exceeding one hundred and eighty days from the date of the seizure unless the reasons for retaining the same are recorded by him in writing and the approval of the Commissioner for such retention is obtained:

Provided that the Commissioner shall not authorise the retention of the books of account or other documents for a period exceeding thirty days after all the proceedings under this Act in respect of the years for which the books of account or other documents are relevant are completed.

(7) The person from whose custody any books of account or other documents are seized under sub-section (1) or sub-section (2) may make copies thereof, or take extracts therefrom, in the presence of the authorised officer or any other person empowered by him in this behalf at such place and time as the authorised officer may appoint in this behalf.

(8) Where the authorised officer has no jurisdiction over the person referred to in clause (a) or clause (b) or clause (c) of sub-section (1), the books of account or other documents seized under that sub-section shall be handed over by the authorised officer to the Wealth-tax Officer having jurisdiction over such person within

a period of fifteen days of such seizure and thereupon the powers exercisable by the authorised officer under sub-section (6) or sub-section (7) shall be exercisable by such Wealth-tax Officer.

(9) If a person legally entitled to the books of account or other documents seized under sub-section (1) or sub-section (2) objects for any reason to the approval given by the Commissioner under sub-section (6), he may make an application to the Board stating therein the reasons for such objection and requesting for the return of the books of account or other documents.

(10) On receipt of the application under sub-section (9), the Board may, after giving the applicant an opportunity of being heard, pass such orders thereon as it thinks fit.

(11) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches shall apply, so far as may be, to searches under this section.

(12) The Board may make rules in relation to searches or seizure under this section; and in particular and without prejudice to the generality of the foregoing power, such rules may provide for the procedure to be followed by the authorised officer—

(i) for obtaining ingress into any building, place, vessel, vehicle or aircraft to be searched where free ingress thereto is not available;

(ii) for ensuring the safe custody of any books of account or other documents seized.

37B. *Power to requisition books of account etc.*—

(1) Where the Director of Inspection or the Commissioner, in consequence of information in his possession, has reason to believe that—

(a) any person to whom a notice under sub-section (4) of section 16 or a summons under section 37 was issued to produce, or cause to be produced, any books of account or other documents has omitted or failed to produce, or cause to be produced, such books of account or other documents as required by such notice or summons and the said books of account or other documents have been taken into custody by any officer or authority under any other law for the time being in force, or

(b) any books of account or other documents will be useful for, or relevant to, any proceeding under this Act and any person to whom a notice or summons as aforesaid has been or might be issued will not, or would not, produce or cause to be produced such books of account or other documents on the return of such books of account or other documents by any officer or authority by whom or which such books of account or other documents have been taken into custody under any other law for the time being in force, or

(c) any articles or things including money disproportionate to the known assets of any person, particulars of which will be useful for, or relevant to, any proceeding under this Act, have been taken into custody by any officer or authority, under any other law for the time being in force, from the possession of such person,

then, the Director of Inspection or the Commissioner may authorise any Deputy Director of Inspection, Inspecting Assistant Commissioner, Assistant Director of Inspection or Wealth-tax Officer (hereafter in this section referred to as the requisitioning officer) to

require such officer or authority,—

(i) in a case falling under clause (a) or clause (b), to deliver such books of account or other documents to the requisitioning officer;

(ii) in a case falling under clause (c), to furnish a note or an inventory of such articles or things including money to the requisitioning officer.

(2) On a requisition being made under sub-section (1),—

(i) in a case falling under clause (a) or clause (b) of that sub-section, the officer or authority referred to therein shall deliver the books of account or other documents to the requisitioning officer either forthwith or when such officer or authority is of the opinion that it is no longer necessary to retain the same in his or its custody;

(ii) in a case falling under clause (c), the officer or authority referred to therein shall furnish the note or inventory to the requisitioning officer within a reasonable period.

(3) Where any books of account or other documents has been delivered to the requisitioning officer, the provisions of sub-sections (5) to (12) (both inclusive) of section 37A shall, so far as may be apply as if such books of account or other documents had been seized under sub-section (1) of that section by the requisitioning officer from the custody of the person referred to in clause (a) or clause (b), as the case may be, of sub-section (1) of this section and as if for the words “the authorised officer” occurring in any of the aforesaid sub-sections, the words “the requisitioning officer” were substituted.”

103. *Amendment of section 42A.*—In section 42A of the Wealth-tax Act,—

(i) in sub-section (1), after the word “proceedings”, the words “or prosecutions” shall be inserted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) No publication under this section shall be made in relation to any penalty imposed under this Act until the time for presenting an appeal to the Appellate Assistant Commissioner has expired without an appeal having been presented or the appeal, if presented, has been disposed of.”

104. *Insertion of new section 42C.*—After section 42B of the Wealth-tax Act, the following section shall be inserted, namely:—

“42C. *Return of wealth, etc., not to be invalid on certain grounds.*—No return of wealth, assessment, notice, summons or other proceeding furnished or made or issued or taken or purported to have been furnished or made or issued or taken in pursuance of any of the provisions of this Act shall be invalid or shall be deemed to be invalid merely by reason of any mistake, defect or omission in such return of wealth, assessment, notice, summons or other proceeding if such return of wealth, assessment, notice, summons or other proceeding is in substance and effect in conformity with or according to the intent and purpose of this Act.”

105. *Amendment of section 46.*—In sub-section (4) of section 46 of the Wealth-tax Act,—

(i) for the words “or in two successive sessions”, the words “or in two or more successive sessions” shall be substituted;

- (ii) for the words "in which it is so laid or the session immediately following", the words "immediately following the session or the successive sessions aforesaid" shall be substituted.

## CHAPTER IV

### AMENDMENTS TO THE GIFT-TAX ACT, 1958

106. *Insertion of new section 6A.*—In Chapter II of the Gift-tax Act, 1958 (18 of 1958), (hereafter in this Chapter referred to as the Gift-tax Act), after section 6, the following section shall be inserted, namely:—

"6A. *Aggregation of gifts made during a certain period.*—

Notwithstanding anything contained in this Act, where an assessee has made taxable gifts during any previous year and has also made taxable gifts (not being gifts made at any time before the 1st day of June, 1973) during any one or more of the four previous years immediately preceding such previous year, the gift-tax payable by him for the assessment year relevant to such previous year (hereafter in this section referred to as the assessment year) shall be determined in the following manner, namely:—

(a) the value of the taxable gifts made during any one or more of the four previous years immediately preceding such previous year shall be aggregated with the value of the taxable gifts made by the assessee during such previous year and gift-tax shall be calculated on the aggregate value at the rate or rates applicable for the assessment year;

(b) from the amount of gift-tax calculated under clause (a), there shall be deducted an amount equal to the gift-tax payable had the value of the taxable gifts made during one or more of the four previous years immediately preceding such previous year been aggregated and tax levied thereon at the rate or rates applicable for the assessment year, and the balance shall be the amount of gift-tax payable by the assessee."

107. *Amendment of section 7.*—In section 7 of the Gift-tax Act, for the proviso, the following proviso shall be substituted, namely:—

"Provided that where two or more Income-tax Officers have jurisdiction or exercise powers under the Income-tax Act in respect of any person, they shall have concurrent jurisdiction and shall perform their functions of a Gift-tax Officer under this Act in respect of such person in accordance with such general or special orders in writing as the Commissioner or the Inspecting Assistant Commissioner authorised by the Commissioner in this behalf, may make for the purpose of facilitating the performance of such functions."

108. *Insertion of new section 7AA.*—After section 7A of the Gift-tax Act, the following section shall be inserted, namely:—

"7AA. *Concurrent jurisdiction of Inspecting Assistant Commissioner and Gift-tax Officer.*—(1) The Commissioner may, by general or special order in writing, direct that all or any of the powers or functions conferred on or assigned to the Gift-tax Officer or Gift-tax Officers by or under this Act in respect of any area, or cases or classes of cases, or persons or class of persons, shall be

exercised or performed concurrently by the Inspecting Assistant Commissioner.

(2) Where under sub-section (1), an Inspecting Assistant Commissioner exercises concurrent jurisdiction with one or more Gift-tax Officers in respect of any area, cases or classes of cases, persons or classes of persons, the Gift-tax Officer or Gift-tax Officers shall exercise the powers and perform the functions under this Act in relation thereto as the Inspecting Assistant Commissioner may direct.

(3) Without prejudice to the generality of the provisions contained in sub-section (2) of section 12, every Gift-tax Officer shall also observe and follow such instructions as may be issued to him for his guidance by the Inspecting Assistant Commissioner within whose jurisdiction he performs his functions in relation to any particular proceeding or the initiation of any proceeding under this Act:

Provided that no instructions which are prejudicial to the assessee shall be issued before an opportunity is given to the assessee to be heard.

*Explanation.*—For the purposes of this sub-section, no instruction as to the lines on which an investigation connected with the assessment should be made shall be deemed to be an instruction prejudicial to the assessee.

(4) Where an order is made under sub-section (1) and the Inspecting Assistant Commissioner exercises the powers or performs the functions of a Gift-tax Officer in respect of any case or person or proceeding under this Act, references in this Act or in any rule made thereunder to the Gift-tax Officer and the Appellate Assistant Commissioner shall be construed as references to the Inspecting Assistant Commissioner and the Commissioner respectively and, accordingly,—

(i) any provision of this Act requiring approval or sanction of the Inspecting Assistant Commissioner shall not apply;

(ii) any appeal which would otherwise have lain to the Appellate Assistant Commissioner shall lie to the Commissioner;

(iii) any appeal which would have lain from an order of the Appellate Assistant Commissioner to the Appellate Tribunal shall lie from the order of the Commissioner."

109. *Amendment of section 7B.*—For sub-section (1) of section 7B of the Gift-tax Act, the following sub-section shall be substituted, namely:—

"(1) The Commissioner may, after giving the assessee a reasonable opportunity of being heard in the matter, wherever it is possible to do so, and after recording his reason for doing so, transfer any case from one or more of the following officers subordinate to him, namely:—

(a) any Gift-tax Officer or Gift-tax Officers,

(b) any Gift-tax Officer or Gift-tax Officers having concurrent jurisdiction with the Inspecting Assistant Commissioner,

to any other Gift-tax Officer or Gift-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) also subordinate to him and the Board may similarly transfer any case from—

(i) any Gift-tax Officer or Gift-tax Officers, or

- (ii) any Gift-tax Officer or Gift-tax Officers having concurrent jurisdiction with the Inspecting Assistant Commissioner,

to any other Gift-tax Officer or Gift-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner):

Provided that nothing in this sub-section shall be deemed to require any such opportunity to be given where the transfer is from any Gift-tax Officer or Gift-tax Officers to any other Gift-tax Officer or Gift-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) to any other Gift-tax Officer or Gift-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) and the offices of all such officers are situated in the same city, locality or place:

Provided further that,

- (a) where any case has been transferred from any Gift-tax Officer or Gift-tax Officers to two or more Gift-tax Officers, the Gift-tax Officers to whom the case is so transferred shall have concurrent jurisdiction over the case and shall perform their functions in accordance with such general or special orders in writing as the Board or the Commissioner or the Inspecting Assistant Commissioner, authorised by the Commissioner in this behalf, may make for the purpose of facilitating the performance of such functions,
- (b) where any case has been transferred from any Gift-tax Officer or Gift-tax Officers (whether with or without concurrent jurisdiction with the Inspecting Assistant Commissioner) to two or more Gift-tax Officers with concurrent jurisdiction with the Inspecting Assistant Commissioner, the officers (including the Inspecting Assistant Commissioner) to whom the case is so transferred shall have concurrent jurisdiction over such case and shall perform their functions in accordance with such general or special orders in writing as the Board or the Commissioner may make for the purpose of facilitating the performance of such functions and the Gift-tax Officers shall perform their functions also in accordance with such orders or directions as the Inspecting Assistant Commissioner may make under section 7 or, as the case may be, under sub-section (2) of section 7AA."

110. *Amendment of section 11AA.*—In section 11AA of the Gift-tax Act, after clause (b), the following clause shall be inserted, namely:—

- "(c) in a case where two or more Gift-tax Officers have concurrent jurisdiction over such assessee in respect of such function, be the Gift-tax Officers empowered to perform such function by the Board or, as the case may be, the Gift-tax Officers to whom such function has been assigned by an order of the Commissioner or by an order or a direction of the Inspecting Assistant Commissioner under section 7 or, as the case may be, under sub-section (2) of section 7AA."

111. *Amendment of section 14A.*—In section 14A of the Gift-tax Act, for clauses (c) and (d), the following clauses shall be substituted, namely:—

- "(c) in the case of a company, by the managing director thereof or where for any unavoidable

reason such managing director is not able to sign and verify the return or where there is no managing director, by any director thereof;

- (d) in the case of a firm, by the managing partner thereof or where for any unavoidable reason such managing partner is not able to sign and verify the return, or where there is no managing partner as such, by any partner thereof, not being a minor;"

112. *Insertion of new section 16A.*—After section 16 of the Gift-tax Act, the following section shall be inserted, namely:—

"16A. *Time limit for completion of assessment and re-assessment.*—(1) No order of assessment shall be made under section 15 at any time after the expiration of a period of—

- (a) four years commencing on and from the 1st day of April, 1975 or one year from the date of the filing of a return or a revised return under section 14, whichever is later, where the assessment year is an assessment year commencing before that date;
- (b) four years from the end of the assessment year in which the gifts were first assessable, or one year from the date of the filing of a return or a revised return under section 14, whichever is later, where the assessment year is an assessment year commencing on or after the 1st day of April, 1975.

(2) No order of assessment or re-assessment shall be made under section 16,—

- (a) where any proceeding for an assessment or a re-assessment is pending on the 1st day of April, 1975, at any time after the expiration of a period of four years commencing on and from that date;
- (b) where the assessment or re-assessment is to be made in a case falling within clause (a) of sub-section (1) of section 16 for which a notice has been served under that sub-section on or after the 1st day of April, 1975, at any time after the expiration of a period of four years from the end of the assessment year in which the said notice was served;
- (c) where the assessment or re-assessment is to be made in a case falling within clause (b) of sub-section (1) of section 16 for which a notice has been served under that sub-section on or after the 1st day of April, 1975, after the expiration of a period of—
- (i) four years from the end of the assessment year in which the gifts were first assessable, or
- (ii) one year from the date of service of such notice,

whichever period expires later.

(3) Notwithstanding anything contained in sub-sections (1) and (2), an order of fresh assessment in pursuance of an order passed on or after the 1st day of April, 1975 under section 22, section 23 or section 24, setting aside



or cancelling an assessment, may be made at any time before the expiry of four years from the end of the financial year in which the order under section 22 or section 23 is received by the Commissioner or, as the case may be, the order under section 24 is passed by the Commissioner.

(4) The provisions of sub-sections (1), and (2) shall not apply to the assessment or re-assessment made on the assessee in consequence of, or to give effect to, any finding or direction contained in an order under section 22, section 23, section 24, section 26 or section 28 or in an order of any court in a proceeding otherwise than by way of appeal or reference under this Act and such assessment or re-assessment may, subject to the provisions of sub-section (3), be completed at any time.

*Explanation 1.*—In computing the period of limitation for the purposes of this section—

(i) the time taken in re-opening the whole or any part of the proceeding or in giving an opportunity to the assessee to be re-heard under the proviso to section 38, or

(ii) the period during which the assessment proceeding is stayed by an order or injunction of any court,

shall be excluded.

*Explanation 2.*—Where, by an order referred to in sub-section (4), any gift is excluded from the taxable gifts for an assessment year in respect of an assessee, then, an assessment of such gift for another assessment year shall, for the purposes of sub-section (2) of section 16 and this section, be deemed to be one made in consequence of, or to give effect to, any finding or direction contained in the said order.”

3. *Amendment of section 17.*—In section 17 of the Gift-tax Act,—

(i) in sub-section (1), in clause (i), the words “but not exceeding in the aggregate fifty per cent of the assessed tax” shall be omitted;

(ii) in sub-section (3), for the words “the Gift-tax Officer shall refer the case to the Inspecting Assistant Commissioner who shall, for the purpose, have all the powers conferred under this section for the imposition of penalty”, the following shall be substituted, namely:—

“the Gift-tax Officer shall not make any order for payment, by way of penalty, without the previous approval of the Inspecting Assistant Commissioner”.

114. *Insertion of new section 17A.*—After section 17 of the Gift-tax Act, the following section shall be inserted, namely:—

“17A. *Penalty for failure to answer questions, sign statements, etc.*—(1) If a person,—

(a) being legally bound to state the truth of any matter touching the subject of his assessment, refuses to answer any question demanded of him by a Gift-tax Officer or an Appellate Assistant Commissioner or an Inspecting Assistant Commissioner

or a Commissioner in the exercise of his powers under this Act, or

(b) refuses to sign any statement made by him in the course of any proceeding under this Act which a Gift-tax Officer or an Appellate Assistant Commissioner or an Inspecting Assistant Commissioner or a Commissioner may legally require him to sign,

he shall pay, by way of penalty, a sum which may extend to one thousand rupees.

(2) If a person, without reasonable cause or excuse, fails to furnish within the time specified any statement or information which such person is bound to furnish to the Gift-tax Officer under section 37, he shall pay, by way of penalty, a sum which may extend to ten rupees for every day during which the failure continues.

(3) No order shall be made under this section except by an Appellate Assistant Commissioner or an Inspecting Assistant Commissioner or a Commissioner, and where a contravention, failure or default for which any penalty is imposed under this section occurs in the course of any proceeding before a Gift-tax Officer, the Gift-tax Officer shall refer the case to the Inspecting Assistant Commissioner for passing such orders as he deems fit.

(4) No order under this section shall be passed by any officer referred to in sub-section (3) unless the person on whom the penalty is proposed to be imposed is given an opportunity of being heard in the matter by such officer.”

115. *Substitution of new section for section 18.*—For section 18 of the Gift-tax Act, the following section shall be substituted, namely:—

“18. *Rebate on advance payments.*—If a person making a taxable gift pays into the treasury within fifteen days of his making the gift any part of the amount of tax due on the gift calculated at the rates specified in the Schedule or, in a case where the provisions of section 6A are applicable to a gift, in the manner specified in that section, he shall, at the time of assessment under section 15, be given credit—

(i) for the amount so paid; and

(ii) for a sum equal to one-ninth of the amount so paid, so, however, that such sum shall in no case exceed one-tenth of the tax due on the gift.

*Explanation.*—If a person makes more than one taxable gift in the course of a previous year, the amount of tax due on any one of such gifts shall be the difference between the total amount of tax due on the aggregate value of all the taxable gifts so far made, including the taxable gift in respect of which tax has to be paid, calculated at the rates specified in the Schedule or, as the case may be, in the manner specified in section 6A, and the total amount of tax on the aggregate value of all the gifts made during that year, excluding the taxable gift in respect of which tax has to be paid, calculated at the rates specified in the Schedule or, as the case may be, in the manner specified in section 6A.”

116. *Amendment of section 23.*—In sub-section (1) of section 23 of the Gift-tax Act,—

(i) for the words and figures “under section 17”,

the words, figures and letter "under section 17 or section 17A" shall be substituted;

- (iii) for the words, brackets and figures "under sub-section (3) of section 17", the words, figures and letter "under section 17A" shall be substituted.

**117. Amendment of section 25.**—In sub-section (1) of section 25 of the Gift-tax Act, for the words and figures "under section 17", the words, figures and letter "under section 17 or section 17A" shall be substituted.

**118. Amendment of section 33A.**—In section 33A of the Gift-tax Act, after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) Where the whole or any part of the refund referred to in sub-section (3) is due to an assessee as a result of any amount having been paid by him after the 31st day of March, 1975, in pursuance of any order of assessment or penalty and such amount or any part thereof having been found in appeal or other proceeding under this Act to be in excess of the amount which such assessee is liable to pay as tax or penalty, as the case may be, under this Act, the Central Government shall pay to such assessee simple interest at the rate specified in sub-section (3) on the amount so found to be in excess from the date on which such amount was paid to the date on which the refund is granted:

Provided that, where the amount so found to be in excess was paid in instalments, such interest shall be payable, on the amount of each such instalment or any part of such instalment, which was in excess, from the date on which such instalment was paid to the date on which the refund is granted:

Provided further that no interest under this sub-section shall be payable for a period of one month from the date of the passing of the order in appeal or other proceeding:

Provided also that where any interest is payable to an assessee under this sub-section, no interest under sub-section (3) shall be payable to him in respect of the amount so found to be in excess."

**119. Amendment of section 35.**—In sub-section (1) of section 35 of the Gift-tax Act,—

- (i) in clause (b), the words, brackets and figure "sub-section (2) or" shall be omitted;
- (ii) clause (c) shall be omitted.

**120. Insertion of new sections 35A, 35B and 35C.**—After section 35 of the Gift-tax Act, the following sections shall be inserted, namely:—

**35A. Offences by companies.**—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if

he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

- (a) "company" means a body corporate, and includes—
  - (i) a firm, and
  - (ii) an association of persons or a body of individuals, whether incorporated or not; and
- (b) "director", in relation to—
  - (i) a firm, means a partner in the firm,
  - (ii) an association of persons or a body of individuals, means any member controlling the affairs thereof.

**35B. Offences by Hindu undivided families.**—(1) Where an offence under this Act has been committed by a Hindu undivided family, the *Karta* thereof shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the *Karta* liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Hindu undivided family and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any member of the Hindu undivided family, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**35C. Section 360 of the Code of Criminal Procedure, 1973, and the Probation of Offenders Act, 1958, not to apply.**—Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974), or in the Probation of Offenders Act, 1958 (20 of 1958), shall apply to a person convicted of an offence under this Act unless that person is under eighteen years of age.

**121. Amendment of section 41A.**—In section 41A of the Gift-tax Act,—

- (i) in sub-section (1), after the word "proceedings", the words "or prosecutions" shall be inserted;
- (ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) No publication under this section shall be made in relation to any penalty imposed under this Act until the time for presenting an appeal to the Appellate Assistant Commissioner has expired without an appeal having been presented or the appeal, if presented, has been disposed of."

**122. Insertion of new section 41C.**—After section 41B of the Gift-tax Act, the following section shall be inserted, namely:—

“41C. *Return of gifts, etc., not to be invalid on certain grounds.*—No return of gifts, assessment notice, summons or other proceeding, furnished or made or issued or taken or purported to have been furnished or made or issued or taken in pursuance of any of the provisions of this Act shall be invalid or shall be deemed to be invalid merely by reason of any mistake, defect or omission in such return of gifts, assessment, notice, summons or other proceeding, if such return of gifts, assessment, notice, summons or other proceeding is in substance and effect in conformity with or according to the intent and purpose of this Act.”

**123. Amendment of section 46.**—In sub-section of section 46 of the Gift-tax Act,—

- (i) for the words “or in two successive sessions” the words “or in two or more successive sessions” shall be substituted;
- (ii) for the words “in which it is so laid or the session immediately following”, the words “immediately following the session or the successive sessions aforesaid” shall be substituted.

## CHAPTER V

### AMENDMENTS TO THE COMPANIES (PROFITS) SURTAX ACT, 1964

**124. Amendment of section 18.**—In section 18 of the Companies (Profits) Surtax Act, 1964 (7 of 1964) [hereafter in this Chapter referred to as the Companies (Profits) Surtax Act],—

- (i) after the figures “125”, the figures and letter “125A” shall be inserted;
- (ii) after the figures and letter “132A”, the figures and letter “132B” shall be inserted;
- (iii) after the figures “281”, the figures and letter “281B” shall be inserted.

**125. Amendment of section 25.**—In sub-section (3) of section 25 of the Companies (Profits) Surtax Act,—

- (i) for the words “or in two successive sessions”, the words “or in two or more successive sessions” shall be substituted;
- (ii) for the words “in which it is so laid or the session immediately following”, the words “immediately following the session or the successive sessions aforesaid” shall be substituted.

## भाग 7—भारतीय निर्वाचन आयोग (Electoral Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निम्न सम्बन्धी अधिसूचनाएं

शून्य

प्रतुपूरक

शून्य

## ART I

### REVENUE DEPARTMENT

#### NOTIFICATIONS

*Simla-2, the 27th/29th September, 1975*

**No. 1-8/68-Rev. I.**—In exercise of the powers in him under sub-section (1) of section 86 of Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Act No. 8 of 1974) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to confer on all the Tehsildars in Himachal Pradesh all the powers exercisable by an Assistant Collector of First Grade, for the purposes of Chapter X of the aforesaid Act, within their respective jurisdiction, with immediate effect.

*Simla-2, the 27th/29th September, 1975*

**No. 1-8/68-Rev. I.**—In exercise of the powers in him under sub-section (1) of section 93 of Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Act No. 8 of 1974), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to appoint all the Tehsildars in Himachal Pradesh to have been conferred the powers of Assistant Collector of First Grade, for the purposes of Chapter X of the aforesaid Act, within their respective jurisdiction, with immediate effect.

First Grade *vide* this Government notification of even number and date, as the Land Reforms Officers for carrying out the purposes of Chapter X of the aforesaid Act, within their respective jurisdiction, with immediate effect.

*Simla-2, the 27th/29th September, 1975*

**No. 1-8/68-Rev. A.**—In exercise of the powers vested in him under sub-section (1) of section 86 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Act No. 8 of 1974) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on all the Sub-Divisional Officers (Civil) in Himachal Pradesh all the powers exercisable by an Assistant Collector of First Grade for the purposes of the said Act except Chapters IX and X of the said Act, within their respective jurisdiction, with immediate effect.

By order,  
L. HMINGLIANA TOCHHAWNG,  
Secretary.

## PART V

In the Court of Shri Onkar Nath, District Judge, Solan  
and Sirmur Districts at Solan

CASE NO: 1-S/2 of 1975

1. Mrs. Parkash Vati Chopra, 2. Brij Mohan Chopra,  
widow and son of late Colonel Amar Nath Chopra,  
Caste Khatri, Resident of "Amar Niwas", Rajgarh  
road, Solan, Tehsil and District Solan. .. *Petitioners.*

*Versus*

1. Brigadier Man Mohan Chopra s/o late Col.  
Amar Nath Chopra, r/o Solan, District Solan, 2. Mrs.  
Pushpa Sabarwal d/o late Col. Amar Nath Chopra, r/o  
Solan, 3. General Public. .. *Respondents.*

PETITION UNDER PART IX OF INDIAN SUCCESSION ACT  
1925 FOR GRANT OF PROBATE

To

The General Public.

Whereas the above-named petitioners having applied  
for the grant of probate for the estate of Shri

Amar Nath Chopra Col. deceased, who died at Solan  
on 30-3-1975, on the basis of a will executed in favour  
of the petitioners, by Shri Amar Nath Chopra Col.  
deceased.

Notice is hereby issued to the General Public to file  
objections, if any, against the grant of probate in  
favour of the petitioners on 21-10-1975 at 10 A.M. in  
this Court at Solan.

In case no objection is received in this Court on  
or before the above date fixed, further proceeding with  
regard to the Grant of Probate in favour of the above  
petitioners shall be taken.

Given under my hand and the seal of this Court, the  
6th day of September, 1975.

Seal.

ONKAR NATH  
District Judge